

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, October 5, 2020 at 7:00 p.m.**

Council Members: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

 - a. Minutes of the City Council meeting of September 21, 2020
 - b. Minutes of the City Council Work Session of September 28, 2020
 - c. Approval of the Homecoming parade for 2020
6. **Present** Proclamation proclaiming October 5, 2020 as “Dan Ed Morton Day”
7. **Public Hearing** on a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)
8. **Consider** proposed Ordinance approving ZDC-118-2020
9. **Public Hearing** on a request by Ian Deffebach for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)
10. **Consider** proposed Ordinance approving ZDC-122-2020

11. **Public Hearing** on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)
12. **Consider** proposed Ordinance approving ZDC-114-2020
13. **Public Hearing** on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)
14. **Consider** proposed Ordinance approving ZDC-109-2020
15. **Public Hearing** on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020)
16. **Consider** proposed Ordinance approving ZDC-119-2020
17. **Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)
18. **Consider** proposed Ordinance approving ZDC-117-2020
19. **Consider** authorizing the City Manager to enter into a contract with Waste Connections for municipal solid waste services
20. **Consider** revisions to the City's Drought Contingency Ordinance
21. **Consider** authorizing professional engineering services with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street
22. **Consider** appointments to Boards and Commissions
23. Comments by Mayor, City Council, City Attorney and City Manager
24. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

(5a)

City Council
September 21, 2020

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, September 21, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. James Bell, 106 Chapman Circle, Waxahachie, invited City Council to the Ellis County Homeless Coalition luncheon. He stated the Coalition is making changes to help the homeless and others in need get in touch with organizations that can best serve them.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 8, 2020
- b. Minutes of the City Council briefing of September 8, 2020
- c. Resolution to Approve a Negotiated Settlement Between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

RESOLUTION NO. 1294

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE

PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve items a. through c. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

6. Present Proclamation proclaiming September 17 – 23, 2020 as Constitution Week

Mayor Hill read a Proclamation proclaiming September 17 – 23, 2020 as Constitution Week and presented it to members of the Rebecca Boyce Chapter of the Daughters of the American Revolution.

7. Consider annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll

Mr. Joshua Arendt, Administrator for Municap, Inc., presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

In summary, he reported there are no changes to the cost section within Phase 1 or Phase 2 as those improvements are complete and previously accepted by the city. Mr. Arendt presented the annual budget for the district which includes two main components to provide funding and sources for funding of the debt service on the bonds that were issued and administration cost. Phase 1 budget totals \$131,878.00 and Phase 2 budget totals \$66,066.00. He reviewed how it impacts each lot in the District. Mr. Arendt stated ten (10) prepayments to date have been paid. He noted the developer has submitted preliminary information to city staff and city consultants for Phase 3 and it is being reviewed.

Action:

Councilmember Chuck Beatty moved to approve the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll as submitted. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. Consider annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll

Mr. Arendt presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll.

(5a)

In summary, he reported there is an increase in the budget request versus last year's annual budget noting last year's aggregate budget was \$547,000 and this year's budget is \$566,000 due fully to increase in principal. He reported the administratively expense component is the same budget request as last year. Mr. Arendt reviewed parcel subdivisions and how it affects the subdivision in each district. Currently in the development in North Grove there are six (6) different plats totaling 632 residential lots. Additionally there are approximately three (3) additional plats that are anticipated that have recently been filed or anticipated to be filed in the near future which will represent another 194 residential lots within North Grove. There are no prepayments within the district to date. Mr. Arendt reviewed the lots in the development and explained the assessment methodology.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll as presented. Councilmember Melissa Olson seconded, All Ayes.

9. **Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)**

Planning Director Shon Brooks reported the applicant is meeting one portion of the right-of-way dedication for the plat, due to the inclusion of Lot 42 of the development. The dedication is imperative for the future development of Ring Road, as it will ensure an improved roadway. Mr. Brooks noted the applicant is requesting a petition of relief waiver from City Council to create the lot without having to establish the connection with Quail Creek Village.

Mr. Mark Wilson, applicant, Maxwell Custom Homes, LLC, requested that a petition of relief waiver be granted to not require the connection to the road stub out from Quail Creek Village at the proposed location of Lot 4. He stated there is no road and it will be a waste of concrete.

Mr. Brooks noted the proposed plat fails to meet the requirement of the Subdivision Ordinance by not establishing a connection with the dead-end stub street and recommended to deny.

Action:

Mayor Pro Tem Mary Lou Shipley moved to deny the variance request for SUB-85-2020. Councilmember Chuck Beatty seconded. The vote was as follows:

*Ayes: David Hill
Mary Lou Shipley
Chuck Beatty
Kevin Strength*

Noes: Melissa Olson

The motion carried.

After further discussion, City Manager Michael Scott noted the applicant can bring back a revised plat with the condition of adding the right-of-way on the plat noting it can be reviewed administratively to make sure it complies with City Council wishes.

Action:

Councilmember Kevin Strength moved to approve SUB-85-2020 subject to conditions as presented. Councilmember Chuck Beatty seconded, All Ayes.

10. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:36 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code.

11. Reconvene and take any necessary action

The meeting reconvened at 7:45 p.m.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the sale of the city owned property and building located at 109 John Arden Drive, Waxahachie, Texas and to authorize the City Manager to negotiate the contracted sale and sign all documents required for the sale and transfer of the property. Councilmember Kevin Strength seconded, All Ayes.

12. Comments by Mayor, City Council, City Attorney and City Manager

Assistant City Manager Tommy Ludwig announced a City Council work session would be held on Monday, September 28, 2020 to discuss impact fees and solid waste services.

Councilmember Kevin Strength thanked Mr. Chris Wright for his support to City Council and City Staff.

City Manager Michael Scott thanked Assistant City Manager Albert Lawrence for his work on negotiating the sale of the old fire station.

13. Adjourn

There being no further business, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room, City Hall, 401 S. Rogers, Waxahachie, Texas on Monday, September 28, 2020 at 4:00 p.m.

Council Members: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Discuss Impact Fee Capital Improvement Plan Land Use Assumptions, Calculations, and Recommended Fees

Mr. Eddie Haas, Project Manager for Roadway Impact Fees, Freese & Nichols, reviewed land use assumptions for impact fees and explained the 10-year growth projection by service area was calculated at 3.5% growth rate. The Land Use Assumptions are the basis for the development of the Capital Improvement Plan. He reviewed the Roadway Impact Fee Report and the full thoroughfare roadway system. Mr. Haas provided two (2) methods of calculating the fees being a 10-year Capital Improvement method and a full Thoroughfare method.

Mr. Derek Chaney, Birkhoff, Hendricks, & Carter, L.L.P., reviewed the Water and Wastewater Impact Fee Report. He provided two (2) methods of calculating the fees, a 10-year Capital Improvement Plan method and a full Water and Sewer System method.

Mr. Haas stated the next step is City Council will take action at the October 19, 2020 meeting to pass a resolution stating notice to hold a public hearing within 60 days on the Impact Fee Capital Improvement Plan. A public hearing would be tentatively scheduled for December 7, 2020 with a backup date of December 21, 2020.

3. Discuss Solid Waste Services Proposals and Staff Recommendations

Assistant City Manager Tommy Ludwig reported Waste Connections' current 10-year contract expires in March 2021. He reported the city received six (6) proposals for solid waste and recycling and reviewed a comprehensive proposal evaluation process. The Evaluation Committee determined that the City's current vendor, Waste Connections, is still the most advantageous proposer for the City. Staff recommended awarding the following:

- Weekly residential poly cart collection
- Every other week recycling collection

(5b)

- Monthly household hazardous waste collection
- Total rate for recommended options is \$5.70 per home per month. This represents a \$2.37 reduction in rate per home per month.

Mr. Ludwig stated the new contract will include:

- Trash – Weekly 95 gallon polycart collection
- Recycling – Every other week 95 gallon polycart collection
- Yard Waste – Accepted weekly in general trash collection
- Brush – Weekly
- Bulk – Weekly
- Hazardous Household Waste – Monthly

Mr. Ludwig stated at the October 5, 2020 City Council meeting, City Council will consider authorizing the City Manager to enter into a contract with Waste Connections for municipal solid waste services.

4. Adjourn

There being no further business, the meeting adjourned at 6:28 p.m.

Respectfully submitted,

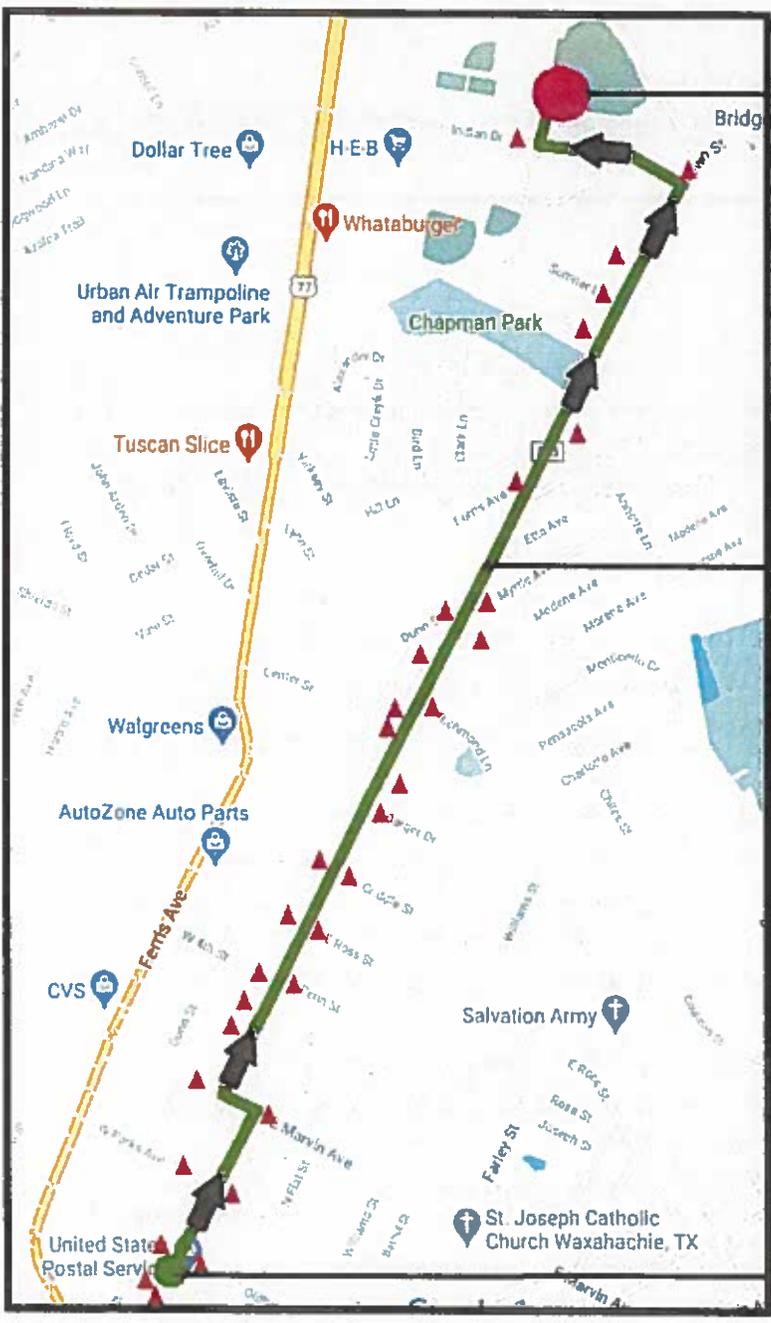
Lori Cartwright
City Secretary

(5C)

2020 Waxahachie High School Homecoming Parade Route & Operations Plan

Friday, October 30, 2020

Staging Time: 2:00pm
Parade Start Time: 3:00pm



Key

- ▲ - Traffic Barricade
- - Start of Route
- - End-of-Route

End-of-Route
Parade will conclude at Lumpkins Stadium
Participants will disperse from this location at conclusion.

Official Parade Route:
Band and participants will stage at the Parking lots of the listed entities below (USPS, Church, etc.) and will move North on College Street to Marvin Avenue. At Marvin, participants will turn West (Left) and follow until Brown Street. At Brown Street, participants will turn North (Right) and follow approximately 1.8 miles to Indian Drive. At Indian Drive, participants will turn West (Left) and follow until entry into Lumpkins Stadium Parking lot. Barracades will be utilized to block entry streets to College Street, Marvin Avenue, Brown Street, and Indian Drive to protect the parade route and participants.

Start-of-Route
Staging Area for Band & Participants:
Parking Lots of Waxahachie USPS,
Apostolic Living Church, Waxahachie Laundry & Cleaners

- WISD Director of Fine Arts / Parades Contact – Dr. Phillip Morgan
- WISD Police Officer – Lieutenant Josh Oliver
- WISD Superintendent – Dr. Bonny Cain
- WHS Principal – Tonya Harris

(7)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-118-2020

MEETING DATE(S)

Planning & Zoning Commission: September 29, 2020

City Council: October 5, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 29, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-118-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Edward Wooten for a Specific Use Permit (SUP) for **Accessory Building (Residential), greater than or equal to 700 SF** use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)

APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (840 sq. ft.) accessory structure (carport) in the rear of a single family property.

CASE INFORMATION

<i>Applicant:</i>	Edward and Jenny Wooten
<i>Property Owner(s):</i>	Edward and Jenny Wooten
<i>Site Acreage:</i>	2.403 acres
<i>Current Zoning:</i>	Rural Residential
<i>Requested Zoning:</i>	Rural Residential with SUP

SUBJECT PROPERTY

<i>General Location:</i>	122 Lakeshore Dr.
<i>Parcel ID Number(s):</i>	233847
<i>Existing Use:</i>	Single Family Residence
<i>Development History:</i>	The Final Plat for Lindmark Estates was approved by City Council on July 6, 2004.

(1)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-23-SF1	Single Family Residences
East	RR	Single Family Residence
South	RR	Single Family Residence
West	RR	Single Family Residence

Future Land Use Plan: Estate Residential

Comprehensive Plan: This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan: The subject property is accessible via Lakeshore Dr.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct an accessory structure (carport) in the rear of a single family property at 122 Lakeshore Dr. Per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting approval to construct a 24 ft. x 35 ft. 19 ft. tall (840 sq. ft.) carport. The applicant is proposing to construct the structure out of metal (open sided structure). The applicant intends to use the carport to park additional cars. During site visits, staff noticed there are other accessory structures within the surrounding neighborhood area of similar or larger size.

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support for the proposed development.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. The carport shall be constructed on a concrete paved surface.
 3. A concrete drive that leads from the home to the carport shall be provided by the applicant.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Site Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(7)

Case ZDC-118-2020
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 0

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
188170	EASON MARTIN D	0.239	741 P MC EARLY 0.239 ACRES	123 LAKESHORE DR	WAXAHACHIE	TX	75165	123 LAKE SHORE DR WAXAHACHIE TX 75165
230301	CHESTER KEVIN D	2.2139	272 S M DURRETT 2.2139 ACRES	126 LAKESHORE DR	WAXAHACHIE	TX	75165	128 LAKE SHORE DR WAXAHACHIE TX 75165
231007	MORGAN BRENDA J & VICTOR	2.007	11 LINDMARK ESTS 2.0070 ACRES	118 LAKESHORE DR	WAXAHACHIE	TX	75165	118 LAKESHORE DR WAXAHACHIE TX 75165
233847	WOOTEN EDWARD M & JENNY CHIN	2.403	LOT 13 LINDMARK ESTS-REV 2.403 AC	122 LAKE SHORE DR	WAXAHACHIE	TX	75165	122 LAKESHORE DR WAXAHACHIE TX 75165
233848	MACKEL PAUL B & LORA Y	13.186	LOT 14 LINDMARK ESTS-REV 13.186 AC	124 LAKESHORE DR	WAXAHACHIE	TX	75165	124 LAKESHORE DR WAXAHACHIE TX 75165
233849	DROLET ROBERT L & MICHELLE M	10.568	LOT 15 LINDMARK ESTS-REV 10.568 AC	128 LAKESHORE DR	WAXAHACHIE	TX	75165	128 LAKESHORE DR WAXAHACHIE TX 75165
256673	ELLIS COUNTY WATER CONTROL & IMP DIST	0.0344	272 S M DURRETT 0344 AC	P O BOX 757	WAXAHACHIE	TX	75168	LAKESHORE DR WAXAHACHIE TX 75165
274646	REYES TOMAS & RITA	11.755	LOT 2 R & M ESTATES 11.755 AC	120 LAKESHORE DR	WAXAHACHIE	TX	75165	120 LAKESHORE DR WAXAHACHIE TX 75165

(7)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-118-2020

RECEIVED
09/15/20

DROLET ROBERT L & MICHELLE M
128 LAKESHORE DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Edward Wooten for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-118-2020

City Reference: 233849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

AS LONG AS IT IS TO CODE THEY SHOULDN'T
NEED PERMISSION TO BUILD IT: IT'S THEIR PROPERTY

Signature

15 SEP 20

Date

ROBERT DROLET

Printed Name and Title

128 LAKESHORE DR

Address

75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(8)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED AT 122 LAKESHORE DRIVE, PROPERTY ID 233847, BEING LOT 13 OF LINDMARK ESTATES-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments RR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-118-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from RR to RR, with an SUP in order to permit an accessory structure (carport) exceeding 700 square feet on the following property: Lot 13 of Lindmark Estates-REV, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

(8)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A +700 SQUARE FOOT ACCESSORY STRUCTURE (CARPORT) USE IN THE RURAL RESIDENTIAL (RR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-118-2020.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B – Site Plan.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. The carport shall be constructed on a concrete paved surface.
5. A concrete drive that leads from the home to the carport shall be provided by the applicant.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. If approved, the City Council shall have the right to review and/or deny the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of October, 2020.

MAYOR

ATTEST:

City Secretary

(8)



Exhibit A - Location Exhibit



ZDC-000118-2020 (SUP)

(8)

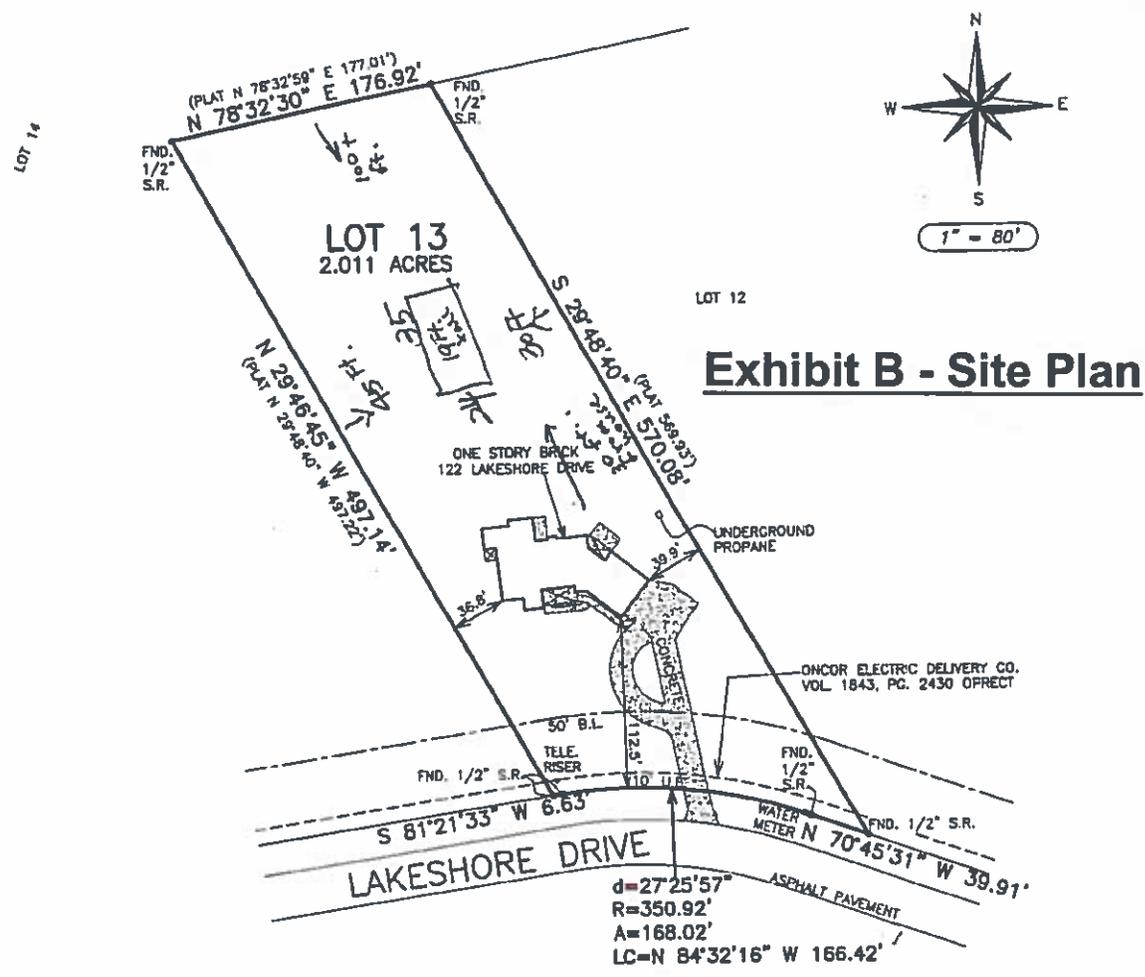


Exhibit B - Site Plan

All that certain lot, tract or parcel of land being known and designated as LOT 13, LINDMARK ESTATES REVISED, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof recorded in Cabinet H, Slide 9, Plat Records, Ellis County, Texas.

(also known as 122 Lakeshore Drive)

The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantees that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0185 D, Zone X. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 3 Survey. This survey was prepared for title purposes in conjunction with Ellis County Abstract and Title Co. Commitment for Title Insurance, G.F. No. 1006134, dated: July 6, 2010. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not abstracted the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

- T.P. & L Co. 459/198 DRECT
- Ellis County Water Dist. Control & Imp. Dist. No. One 460/77 & 679/85 DRECT
- OnCor Electric Delivery Co. 1843/2426 OPRECT
- Easement Agreement 1852/994 OPRECT

LEGEND	
O	Property Corner Symbol
Fnd.	Found
S.R.	Steel Rod
S.P.	Steel Pipe
U.E.	Utility Easement
P/P	Utility Pole
R.O.W.	Right of Way
P.O.B.	Point of Beginning
C/L	Centerline
→	Drainage Flow
X	Spot Elevations
B.L.	Building Line
W/L	Water Line
W/M	Water Meter
M/H	Sewer Manhole
C/D	Cleanout
F/H	Fire Hydrant
W/V	Water Valve
D.U.E.	Drainage & Utility Esmt

Walter Keven Davis
 Walter Keven Davis
 Registered Professional Land Surveyor #4466



DAVIS & McDILL Inc.

(A Texas licensed surveying firm # 101504-00)
 P.O. BOX 428, Waxahachie, Texas 75168
 Phone: Metro 972-938-1185 Fax: 972-937-0307

LEGEND	
X	Wire Fence
—/—	Wood Fence
—/—	Iron Fence
—/—	Chain Link Fence
	Railroad Track
—	Cable TV
—	Gas Line
—	Petroleum Pipeline
—	Electric Line
—	Sanitary Sewer Line
—	Water Line
—UT—	Underground Telephone
—	Telephone

Description Survey Plat Client: Ellis County Abstract and Title Co. G.F.# 1006134

(9)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-122-2020



MEETING DATE(S)

Planning & Zoning Commission: September 29, 2020

City Council: October 5, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 29, 2020, the Commission voted 6-0 to recommend approval of zoning change ZDC-122-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Ian Deffebach for a Specific Use Permit (SUP) for **Accessory Building (Residential), greater than or equal to 700 SF** use within a Planned Development-Single Family-1 zoning district located at 213 Hunter Dr. (Property ID 277728) - Owner: Ian and Laurie Deffebach (ZDC-122-2020)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit in order to construct four thousand (4,000) square foot accessory structure on the subject property located at 213 Hunter Pass.

CASE INFORMATION

<i>Applicant:</i>	Ian and Laurie Deffebach
<i>Property Owner(s):</i>	Ian and Laurie Deffebach
<i>Site Acreage:</i>	1.347 acres
<i>Current Zoning:</i>	PD-SF-1
<i>Requested Zoning:</i>	PD-SF-1 with an SUP for an Accessory Structure greater than 700 square feet.

SUBJECT PROPERTY

<i>General Location:</i>	213 Hunter Pass
<i>Parcel ID Number(s):</i>	277728
<i>Existing Use:</i>	Single Family Residence
<i>Development History:</i>	The subject site was a part of a replat for Lots 1A, 1B, 1C, & 1D Block A Crystal Hills which was filed in May of 2011.

(9)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-1	Single Family Residence
East	PD-SF-1	Single Family Residence
South	County	Currently Undeveloped
West	PD-SF-1	Single Family Residence

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

The subject property is accessible via Hunter Pass.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct an accessory structure in the rear of a single family zoned property at 213 Hunter Pass. Per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting approval to construct a 24 ft. tall, 4,000 sq. ft. accessory structure. The applicant is proposing to construct the structure out of metal (R-panel). The applicant intends to use the accessory structure as a garage, storage, game room, kitchenette, bath, and workout room. According to construction plans approved by the Building Inspections department, the square footage for the home (primary structure) is 4,129 sq. ft.

Though there are other accessory structures within the surrounding area, staff did not notice any structures of the proposed size (4,129 sq. ft.). There is 1,880 sq. ft. barn located on a neighboring property, but that barn is located outside of Waxahachie City Limits.

Subject to approval of this application, an approved building permit will be required prior to the commencements of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support and one (1) letter of opposition for the proposed development.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:
 1. The structure will not be used as a dwelling.
 2. The applicant will need to obtain a building permit form the Building Inspections department prior to construction for the proposed structure.
 3. The structure shall be constructed on a concrete paved surface.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Site Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(9)

Case ZDC 122 2020
Responses Received Inside Required 200 Notification Area
Support 1 Oppose 1

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
180774	WP LEGACY LTD	010 001	145 WM BASINS, 635 J R LANGFORD, 023 J RIGGS, 1128 WHITE TEMPLING 010 001 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	HARRINGTON RD WAXAHACHE TX 75165
218064	HARRISON FIELD & SADRINA	0 568	LOT 40R BLK A CRYSTAL COVE ESTS-REV 0 568 AC	5056 N CENTRAL EXPWY 703	DALLAS	TX	75206	218 HUNTER PASS WAXAHACHE TX 75165
218065	DUFFEY NEKAYA N	1 534	LOT 41R BLK A CRYSTAL COVE ESTS-REV 1 534 AC	222 WESTMINSTER	CLENN HEIGHTS	TX	75154	HUNTER PASS WAXAHACHE TX 75165
218080	CASTLEBERRY THOMAS R & TERESA R	1 111	LOT 42 BLK A CRYSTAL COVE ESTS-REV 1 111 AC	210 HUNTER PASS	WAXAHACHE	TX	75165	210 HUNTER PASS WAXAHACHE TX 75165
252832	CONDOR HERBERT B JR & NITA	2 832	LOT 2 CRYSTAL HILLS 2 832 AC	217 HUNTER PASS	WAXAHACHE	TX	75165	217 HUNTER PASS LN WAXAHACHE TX 75165
254531	CONDOR HERBERT B JR & NITA	1 017	LOT 1A BLK A CRYSTAL HILLS 1 017 AC	210 HUNTER PASS LN	WAXAHACHE	TX	75165	210 HUNTER PASS LN WAXAHACHE TX 75165
254542	SULLIVAN JOHNN P & JANE R	4 321	LOT 1B BLK A CRYSTAL HILLS & 145 WM BASINS 4 321 AC	PO BOX 844	WAXAHACHE	TX	75165	211 HUNTER PASS LN WAXAHACHE TX 75165
277720	DEFFBACH IAN & LAURIE	3 306	LOT 1C 10 BLK A CRYSTAL HILLS 3 306 AC	213 HUNTER PASS LN	WAXAHACHE	TX	75165	213 HUNTER PASS LN WAXAHACHE TX 75165



(9)

RECEIVED
9/21/20

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-122-2020

CARROLL JIMMY D & MELISSA W
209 HUNTER PASS LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Ian Deffebach for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-122-2020

City Reference: 254541

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

KEEP RESIDENTIAL NO COMMERCIAL PERMITS

Jimmy Carroll
Signature

9-17-2020
Date

Jimmy Carroll
Printed Name and Title

209 Hunter Pass
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(9)

Case Number: ZDC-122-2020

City Reference: 277728

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED
9/11/20

Comments:

Jim Daffelbach
Signature

9/14/20
Date

Jim Daffelbach / owner
Printed Name and Title

213 HUNTER PASS, WAXAHACHIE,
Address TX, 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(1b)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING GREATER THAN 700 SQ. FEET USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 213 HUNTER PASS, BEING PROPERTY ID 277728, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1C, BLOCK A IN THE CRYSTAL HILLS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-122-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-SF-1 to PD-SF-1, with an SUP in order to permit an Accessory Building Greater than 700 sq. feet use on the following property: Lot 1C, Block A of the Crystal Hills subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City’s Comprehensive Plan and Zoning Ordinance.

(10)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A +700 SQUARE FOOT ACCESSORY BUILDING USE IN THE PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site layout plan shall conform as approved by the City Council under case number ZDC-122-2020.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B – Site Layout Plan.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. The structure shall not be used as a dwelling.
5. The structure shall be constructed on a concrete paved surface.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. If approved, the City Council shall have the right to review and/or deny the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

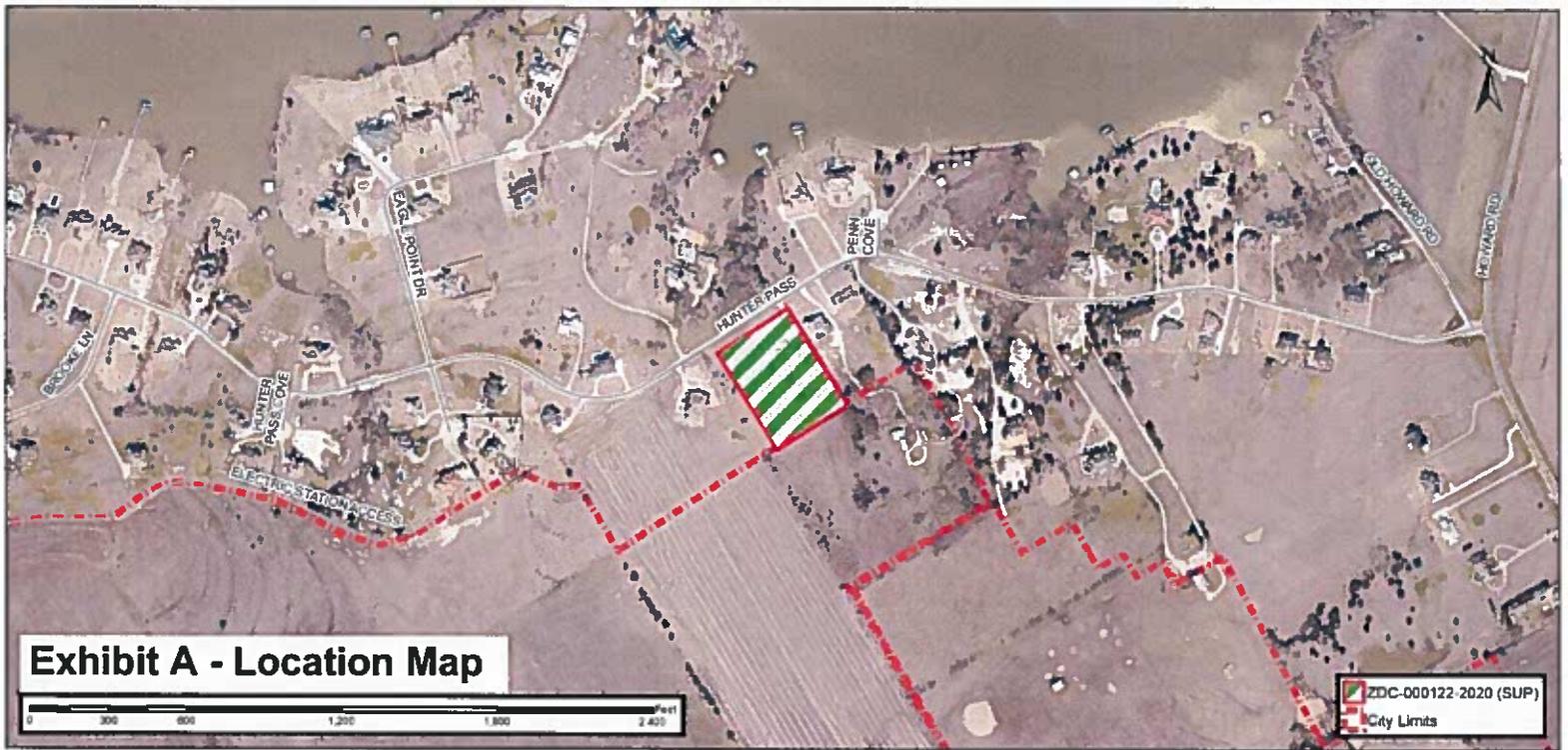
PASSED, APPROVED AND ADOPTED on this 5th day of October, 2020.

MAYOR

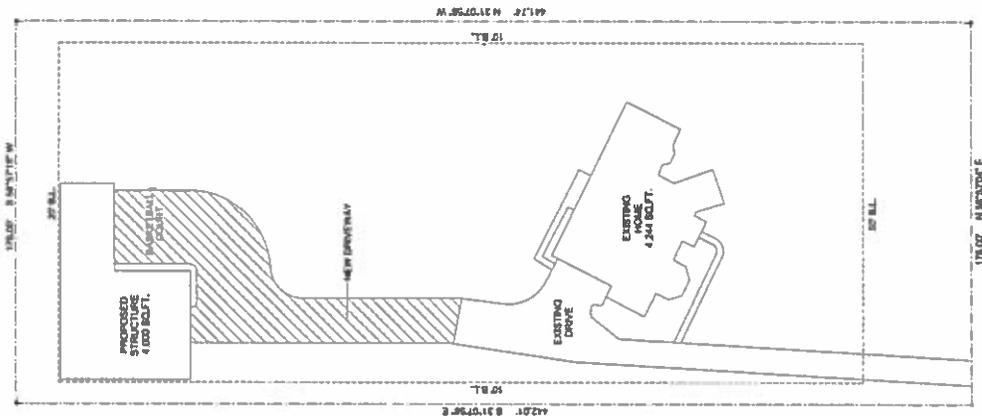
ATTEST:

City Secretary

(10)



(10)



SCALE: 1" = 100'

Exhibit B - Site Plan

DATE
08/21/2020
COPYRIGHT
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THIS PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT. THE ENGINEER AND ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.



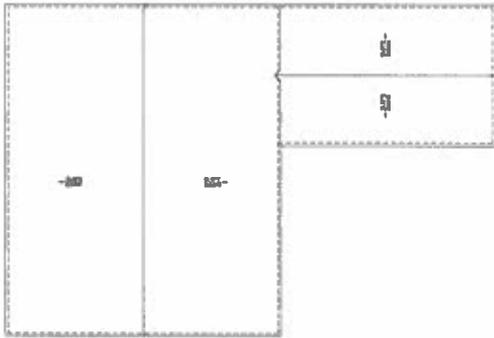
ADDRESS:
218 HUNTER PASS



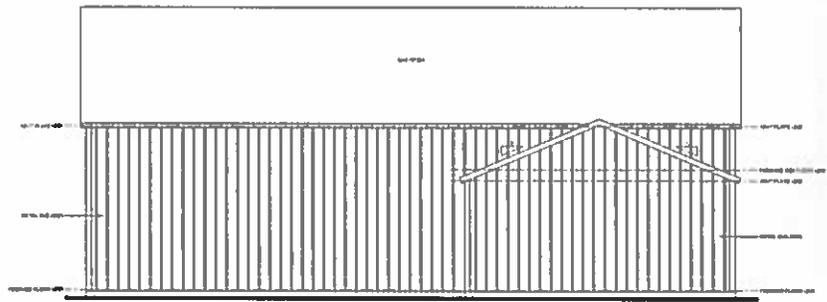
PLAN
DEFFENBACH

3
OF
3

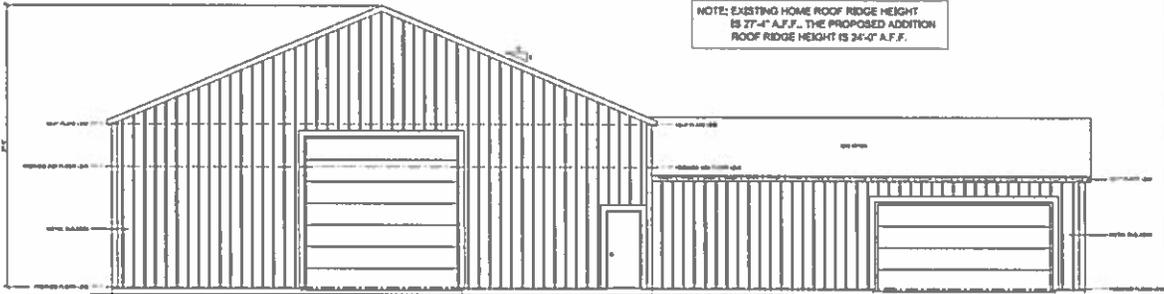
(10)



ROOF PLAN



RIGHT ELEVATION



FRONT ELEVATION

DATE: 08/27/2020
COPYRIGHT: © 2020

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ADDRESS:
215 HUNTER PASS

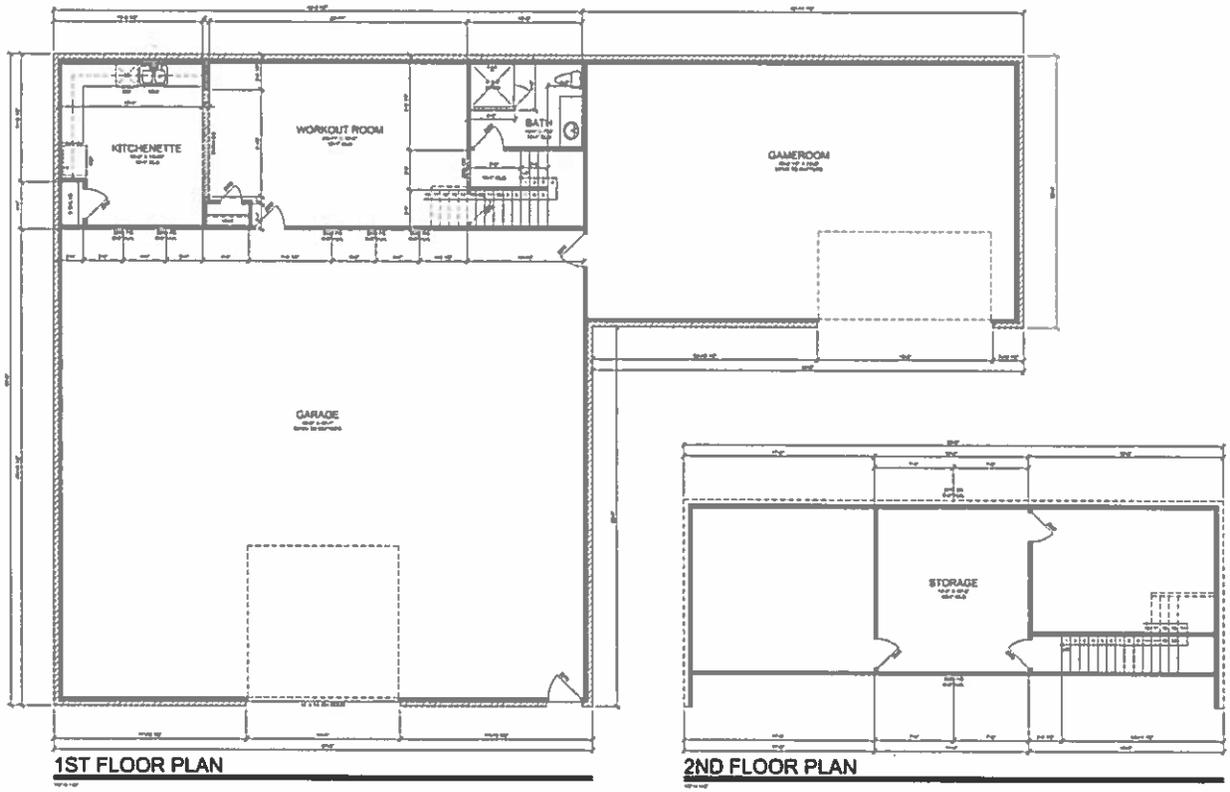


PLAN
DEFFENBACH

2 of 3

Exhibit B - Site Plan

(10)



1ST FLOOR PLAN

2ND FLOOR PLAN

Exhibit B - Site Plan

DATE: 08/27/2020
COPYRIGHT: © 2020

ADDRESS: 215 HUNTER PASS

PLAN: DEFFENBACH

SHEET: 1 OF 3

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-114-2020

MEETING DATE(S)

Planning & Zoning Commission: September 29, 2020

City Council: October 5, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 29, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-114-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Judy Fletcher, The Children’s Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Children’s Montessori Center.

CASE INFORMATION

Applicant: Judy Fletcher, Children’s Montessori Center

Property Owner(s): Judy Fletcher, Children’s Montessori Center

Site Acreage: 0.5 acres

Current Zoning: Single Family-2

Requested Zoning: Planned Development-Single Family-2

SUBJECT PROPERTY

General Location: 214 Dunn St.

Parcel ID Number(s): 171158

Existing Use: Children’s Montessori Center

Development History: N/A

(11)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residential
East	SF2	Single Family Residential
South	SF2	Single Family Residential
West	PD-GR	Comerica Bank

Future Land Use Plan: Low Density Residential

Comprehensive Plan: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie’s current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The subject property is accessible via Dunn St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Children’s Montessori Center.

Proposed Use:

The applicant, Judy Fletcher, is requesting approval to allow an existing Children’s Montessori Center. During a city health inspection, staff noticed that the applicant did not have the required Planned Development approval to operate the existing Children’s Montessori Center. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Children’s Montessori Center into compliance with the City of Waxahachie.

(11)

The Montessori Center has been operating the at the subject property for 20 years (March 2000). Per the Operational Plan, the Children’s Montessori Center is licensed and regulated by the Texas Department of Family and Protective Services. The Montessori Center consists of eight employees and operational hours are 7:00am – 6:00pm (class hours: 8:30am-2:30pm) Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support for the proposed planned development approval.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Operational Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(11)

Case ZDC 114 2020
Responses Received Inmate Requested 2027 Notification Area
Report 1 Oppor 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's Zip	Parent Address
171146	GONZALES RAUL II & MINERVA	0.167	LOT 1C BLK 118 TOWN	301 BROWN ST	WAXAHACHE	TX	75105	301 BROWN ST WAXAHACHE TX 75105
171147	BROWN HE GAY ANNE	0.168	LOT 1D & 1E BLK 118 TOWN	108 W 4TH ST	WAXAHACHE	TX	75105	108 W 4TH ST WAXAHACHE TX 75105
171151	KINSMAN NICHOLAS M	0.230	LOT 4A BLK 118 TOWN	205 DUNN ST	WAXAHACHE	TX	75105	205 DUNN ST WAXAHACHE TX 75105
171152	SLATE LARRY M & ANDREA J	0.335	LOT 4B BLK 118 TOWN	204 DUNN ST	WAXAHACHE	TX	75105	204 DUNN ST WAXAHACHE TX 75105
171154	BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES	0.508	LOT 1A BLK 118 TOWN	307 BROWN ST	WAXAHACHE	TX	75105	307 BROWN ST WAXAHACHE TX 75105
171155	BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES	0.187	LOT 3B BLK 118 TOWN	307 BROWN ST	WAXAHACHE	TX	75105	307 BROWN ST WAXAHACHE TX 75105
171156	BAKER REVOCABLE TRUST BAKER THOMAS F & MELISSA K CO TRUSTEES	0.669	LOT 2D BLK 118 TOWN	3530 BLACK CHAMP RD	MELDOTHAN	TX	75085	101 W 4TH ST WAXAHACHE TX 75105
171157	FORDHAM WADE E JR	0.184	LOT 2ER BLK 118 TOWN	4208 AVONDALE AVE APT 107	DALLAS	TX	75219	208 BROWN ST WAXAHACHE TX 75105
171158	FLETCHER MIKE G & JULIA A	0.5	LOT 3A BLK 118 TOWN	417 CINDERBREAD LN	WAXAHACHE	TX	75105	214 DUNN ST WAXAHACHE TX 75105
171159	DE SERRA MARIA GARCIA	0.252	LOT 3B BLK 118 TOWN	212 DUNN ST	WAXAHACHE	TX	75105	212 DUNN ST WAXAHACHE TX 75105
171160	STEEGER PROPERTIES LTD	0.208	LOT 3C & 3D BLK 118 TOWN	PO BOX 505	RED OAK	TX	75154	208 DUNN ST WAXAHACHE TX 75105
171162	SMITH HELEN M LIE JOAN CARLESS	0.30	LOT 1E & 1F BLK 118 TOWN	205 BROWN ST	WAXAHACHE	TX	75105	205 BROWN ST WAXAHACHE TX 75105
171163	VAZQUEZ HUMBERTO P & MARISE L	0.265	LOT 2A BLK 118 TOWN	PO BOX 2007	RED OAK	TX	75154	211 BROWN ST WAXAHACHE TX 75105
171164	GLASS BRIDGET M & JASON T	0.298	LOT 2BR BLK 118 TOWN	208 BROWN ST	WAXAHACHE	TX	75105	208 BROWN ST WAXAHACHE TX 75105
171165	FORDHAM WADE E JR	0.181	LOT 2CR BLK 118 TOWN	4208 AVONDALE AVE APT 107	DALLAS	TX	75219	208 BROWN ST WAXAHACHE TX 75105
171168	GILLO CHRIS	0.172	LOT 1A BLK 118 TOWN	207 BROWN ST	WAXAHACHE	TX	75105	207 BROWN ST WAXAHACHE TX 75105
171232	RULPH DARRIN & COURTNEY	0.268	LOT 4B BLK 118 TOWN	304 DUNN ST	WAXAHACHE	TX	75105	304 DUNN ST WAXAHACHE TX 75105
171233	PADGETT MARTHA N R	0.431	LOT 4C BLK 118 TOWN	300 DUNN ST	WAXAHACHE	TX	75105	300 DUNN ST WAXAHACHE TX 75105
171241	HODGE JAMES H	0.617	LOT 4A BLK 118 TOWN	122 SWINNEA RD	OKOLONA	AR	71902	308 DUNN ST WAXAHACHE TX 75105
178000	VIEH LADD	0.162	LOT 2 BLK 5 WILLIAMS REV	1015 FERRIS AVE	WAXAHACHE	TX	75105	305 DUNN ST WAXAHACHE TX 75105
178001	EMERY LORIE TIA	0.316	3.5 WILLIAMS 0.316 ACRES	188 GRANT CEDAR TRL	WYNTHLEY	TX	76092	303 DUNN ST WAXAHACHE TX 75105
178002	TEBO BRYAN & BRANDON T E DO	0.195	LOT 4 BLK 5 WILLIAMS REV	404 W FRANKLIN ST	WAXAHACHE	TX	75105	301 DUNN ST WAXAHACHE TX 75105
178009	COMERICA BANK TEXAS	1.928	182 182 & ALLEY 4 13 8PT OF WILLIAMS STREET 1.928 ACRES	PO BOX 850282	DALLAS	TX	75285	820 FERRIS AVE WAXAHACHE TX 75105
186749	COMERICA BANK TEXAS	0.217	PT 1 RESIDUAL 3 WILLIAMS 0.217 ACRES	PO BOX 850282	DALLAS	TX	75285	DUNN ST WAXAHACHE TX 75105
205777	MILES DOYCE & DEBBIE	0.181	28D 3 WILLIAMS REV 0.181 ACRES	212 SPRING GROVE DR	WAXAHACHE	TX	75105	205 DUNN ST WAXAHACHE TX 75105

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-114-2020

RECEIVED
9/18/20

BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES
307 BROWN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-114-2020

City Reference: 171155

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

TECHNICAL CHANGE TO ALLOW DAYCARE TO CONTINUE

David Blyth
Signature

9-15-20
Date

DAVID BLYTH
Printed Name and Title

307 BROWN
Address

TRUSTEE

WAX

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

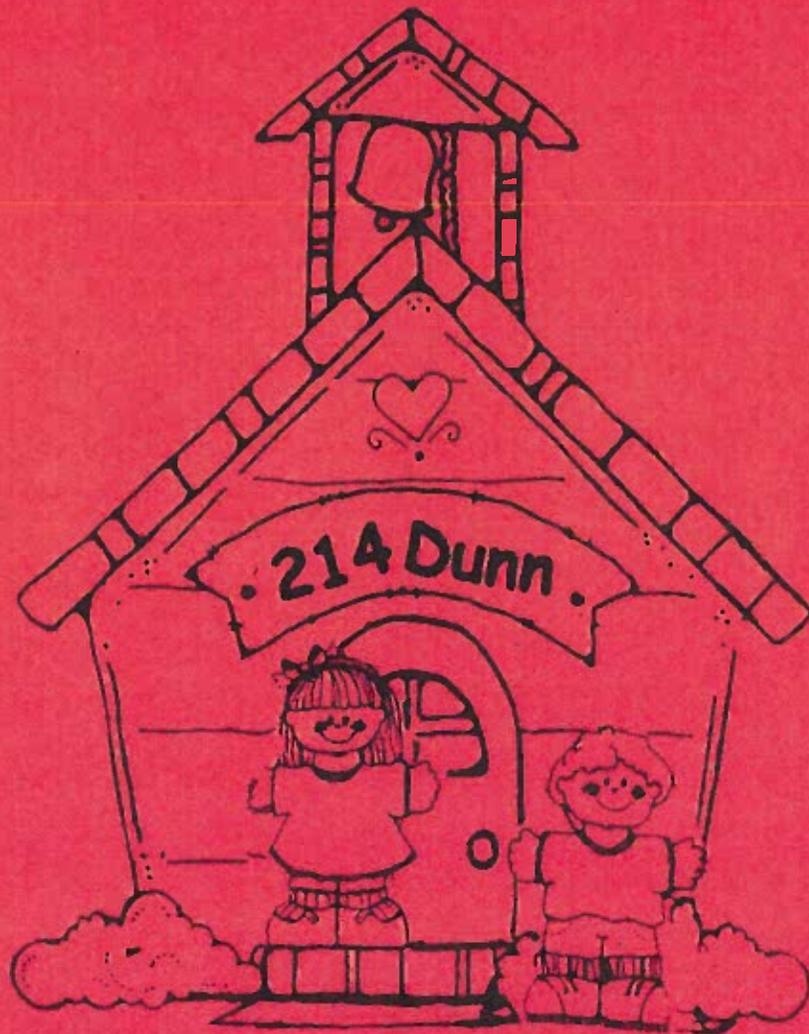
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*The Children's
Montessori Center*

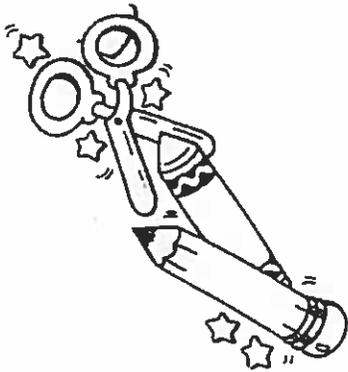
214 Dunn St.

Waxahachie Texas 75165

972- 937-6910



(11)



Children's Montessori

214 Dunn Street
Waxahachie, Texas 75165
(972) 937-6910



Dear Parents,

The Children's Montessori Center welcomes the opportunity to serve you and your children. We will endeavor to work closely with you to give your children loving care, constant supervision and a stimulating education tailored to their needs. Our goal is to create a love for learning that will last a lifetime!

First let us introduce ourselves:

Julia (Judy) Fletcher, a native of Dallas, has lived in Waxahachie since June of 1983, with her husband Mike. They have three grown children and four grandchildren, all living in Waxahachie. Mrs. Fletcher earned an Associate of Arts degree in Bible and Art from Fort Worth Christian College and has three years of college course work toward a degree in elementary education. She received her Montessori Certification from the American Montessori Institute in 1984. Mrs. Fletcher has thirty plus years of teaching experience in Pre-Kindergarten through the seventh grade. She received her C.D.A. (Child Development Association) credentials through the National Credentialing Program in May of 1988. Mrs. Fletcher is the founder, co-owner and director of the Children's Montessori Center. Mrs. Fletcher also teaches Kindergarten, the job she enjoys most!

Connie McMillen was born in Waxahachie, went to school in Midlothian and now lives there with her husband, Garry. They have two grown daughters and one grandson, all living in Waxahachie. Mrs. Connie worked for the Waxahachie I.S.D. for several years and taught a Pre-Kindergarten class for several years. She has many years' experience working as a bookkeeper for a company in Dallas. Mrs. Connie is co-owner and assistant director of the Children's Montessori Center.

We love children and are committed to the Montessori method of teaching. Dr. Maria Montessori, the first woman physician in Italy developed this method of teaching

young children in the early 1900's. This system is based on each child's developmental needs for freedom within limits and a carefully prepared environment to help each child grow at his or her own level. We believe that if a child is allowed to discover, he/she will develop a love for learning that will last a lifetime.

We are looking forward to working with you and your children.

Sincerely,

Mrs. Judy Fletcher

Mrs. Judy Fletcher, Director and Co-Owner

Mrs. Connie McMillen, Assistant Director and Co-Owner

Mrs. Connie McMillen



Vision and Mission Statement

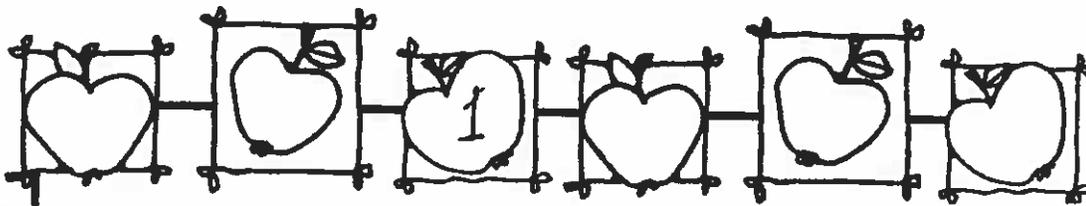
The mission of the school is to allow a child to discover, so that he will develop a love for learning that will last a lifetime.

We have strategies in order to achieve the vision of preparing the children to discover and learn. These strategies consist of training teachers to understand each child's developmental needs, to let the children have freedom within limits, and to prepare an environment to where each child will grow at his or her own level.

Our main goal as a school is to invest into each child's life in as many ways as possible. Attempting to do this by instilling a good educational start, and try to make a difference in each of the children individually.

Children's Montessori Center is committed to the Montessori approach to education that provides freedom within a prepared environment and stresses individualized learning. The child is the center of the environment as he makes choices, sets the pace and discovers the joy of victory in a highly challenging academic atmosphere. Basic points of emphasis in the classroom are self-esteem, independence and respect. A positive approach is emphasized at all times and discipline to discover, achieve and be part of an active, self-disciplined group. The teacher prepares the environment, works with the students on an individual basis and models the quiet respect to their children.

Everyone benefits from the good education that we will bring. The child benefits by actually receiving the education, the parents for investing in a special private education, and society for a growing educated youth.



School Standards

Children's Montessori Center is committed to the Montessori approach to education that provides freedom within a prepared environment and stresses individualized learning. The child is the center of the environment as he makes choices, sets the pace and discovers the joy of victory in a highly challenging academic atmosphere. Basic points of emphasis in the classroom are self-esteem, independence and respect. A positive approach is emphasized at all times and discipline to discover, achieve and be part of an active, self-disciplines group. The teacher prepares the environment, works with the students on an individual basis and models the quiet respect to their children.

Entrance Requirements

- ❖ Children ages two, three, four, five and six are admitted. Young children must be toilet trained.
- ❖ Medical and immunization records are required.
- ❖ Parents must sign a parent/school agreement and provide the school with family information.
- ❖ Registration fee must be paid to confirm enrollment.
- ❖ Returning students have priority in class assignments.
- ❖ The school is not licensed or staffed to provide care for students with special medical needs.
- ❖ New students are accepted on a temporary basis, pending adjustment to the Montessori environment.
- ❖ Any special problems or needs of the child must be noted by the parents on the student record sheet.
- ❖ If it is agreed by the staff that any child needs special professional or medical help for a problem affecting his behavior at school, this help must be secured by the parents or the child is to be removed from the school.
- ❖ No student will be discriminated against because of race, color or creed.



- ❖ Children's Montessori Center is licensed by the Texas Department of Human Resources. Parents may view license and inspection reports upon request.
- ❖ Licensing standards demand that students be left in the presence of a staff member. Students may be released to parents, legal guardians or others as authorized in writing by the parent or guardian.
- ❖ Parents must notify the school if their child will not be present. Any child showing illness will not be accepted into the classroom. If symptoms occur while in school, the child will be isolated and the parent contacted to come for their child.
- ❖ All medicine must be in the original container and have written authorization for usage.
- ❖ No person will be allowed in the classroom while smoking or under the influence of alcohol.
- ❖ Staff members must report any concern that a child's physical or mental health has been or may be adversely affected by abuse or neglect.
- ❖ Parents must sign their children in and out each day. Arrival and departure times should be written next to the child's name each day.
- ❖ No unsafe children's products are in the Children's Montessori Center. This list of product recalls may be viewed at www.cpsc.gov/cpsc/pub/prerel/prerel.html.
- ❖ Under the Texas Penal Code, any area within 1000 feet of a child-care center is considered a gang-free zone.
- ❖ Parents will be provided with a copy of the Policy Manual. Parents must sign acknowledging receipt of the handbook.

FINANCIAL

POLICIES

Tuition will be paid in advance, either (1) monthly, on the first day of the month, (2) semi-monthly, on the 1st and 15th, or (3) weekly, on Monday. Checks are to be made payable to Children's Montessori Center. No refunds are made for enrollment fees, supply fees, holidays or days away from school.

The school will maintain a tuition fee comparable to other schools in the area.



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MONTESSORI CLASS

ACTIVITIES

ARRIVAL:

Because of the safety factor, we must ask that parents personally accompany their children into the building and check them in with a member of our staff.

Parents are encouraged to allow students to enter the classrooms unassisted. This will promote a quiet beginning of self-directed work.

CLOTHING, PERSONAL POSSESSIONS:

Children are asked not to bring personal possessions into the classroom to avoid breakage, loss or disturbance. Show and Tell items are exceptions and will be closely supervised. Gum is not allowed. Dress students comfortable, ready to participate in all school activities, including outside playing and active motor development.

DAILY TRAINING:

Students will be encouraged to do all daily tasks alone to develop independence and will be assisted only when needed. They will have free access to water fountains and bathrooms. They will be encouraged to hang their own coats and store their own possessions. A schedule is posted in each room showing a daily routine, monthly themes and schedules for special programs.

PHYSICAL ACTIVITIES:

All children will be expected to participate in physical activities and outside play in acceptable weather. If a child is to be inactive in these programs for more than three days, a doctor's request is needed.

BIBLE LESSONS:

Bible lessons will be presented by staff members, following the guideline furnished to parents. Bible materials on the classroom shelves promote an understanding of the Bible and can be enjoyed by students individually in the Montessori classroom. No doctrine is stressed.

PARTIES, BIRTHDAYS:

Your child may have his/her birthday party at school during snack time. Please limit refreshments to cookies or cupcakes and a drink. A simple favor may be given. Please make arrangements with your child's teacher a week in advance.

Out of respect for all our students, we will not distribute party invitations in the classroom unless all students are invited to the party.



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TESTING AND EVALUATIONS:

The students will be evaluated twice during each school year, with additional testing conducted for kindergarten students. Parents will have access to this information and records will be forwarded to other schools.

WEEKLY & DAILY ROUTINES:

Special programs will be posted in the entryway and notices sent home with the children in advance.

On "Show and Tell" days, students may bring an inexpensive item to share (guns, rockets and darts are not allowed). These items should be bagged, with students' names attached. They will remain in the classroom until self-expression time arrives. We encourage student participation in this activity.

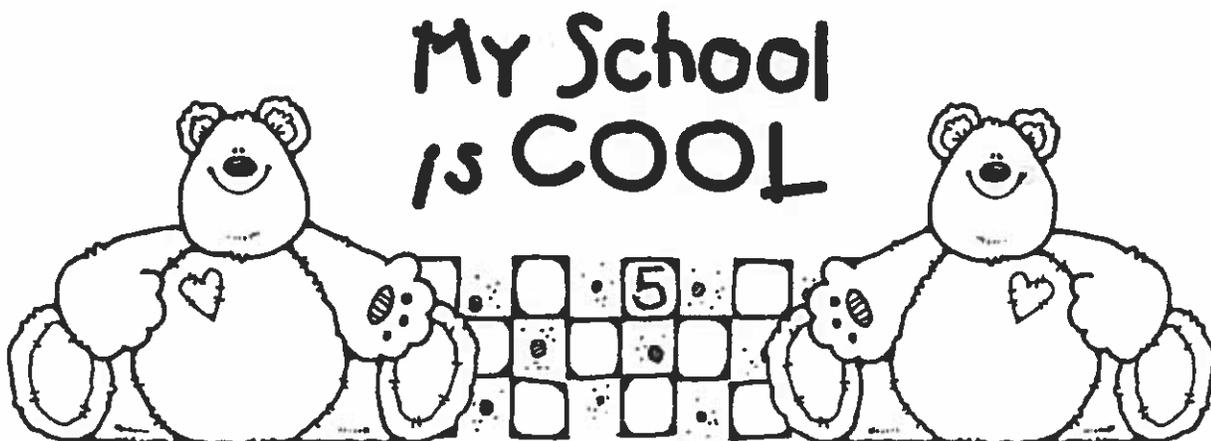
RELEASE OF INFORMATION:

The school will not release addresses and phone numbers of students to other families in the school.

HOURS:

Class times are 8:30 a.m. until 2:00 p.m. Afternoon childcare with planned activities is 2:00 - 6:00 p.m.

The Children's Montessori Center opens at 7:00 a.m. for early morning care and closes at 6:00 p.m. There will be a charge of \$1.00 per minute after 6:00 p.m.



COMMUNICATION

Parents will be encouraged to attend a parents' meeting and Open House early in the school year to discuss the year's events. The school will print a monthly calendar of events and make this available to all parents. Parent involvement is encouraged. School memos will be issued as needed to keep parents informed and aware of school activities.

Students with parents living at different addresses will be provided a service of communication with both parents. If requested, the school will mail all information to both parents.

The director of the school will meet with parents when requested by either the parent or a staff member.

Parents are encouraged to schedule a classroom observation and participate in a staff conference annually. Parents will be contacted if additional conferences are needed. Parents may always come to the school unannounced and observe the classroom without an appointment. However, when at all possible, we request that you call ahead when intending to observe for an extended period. We also ask that you sign a form that explains our observation procedures. Parents will be notified of any injuries, communicable diseases or special concerns. The Texas Department of Health will also be notified.

DISCIPLINE

The school will ensure that discipline and guidance are based on an understanding of individual needs and development, and promote self-disciplined and acceptable behavior. There will be no cruel, harsh or unusual punishment or treatment, no shaking, biting or hitting. No child will be spanked and nothing will be placed on or in a child's mouth for punishment. There will be no association of punishment with the toilet training or eating. The school will use brief, supervised separation from the group to direct attention to acceptable behavior. Staff members are encouraged to narrow the choices to two, as in "you have two choices, you may use the pegs correctly or you may replace them on the shelf."

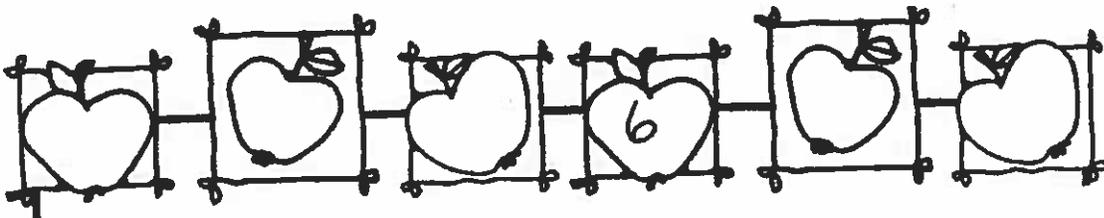
SAFETY PROCEDURES

Fire drills will be conducted every month. Tornado and chemical release drills will be conducted annually.

Seat belts will be used for adults and children on field trips.

Students will wear name tags with the name of the school, phone number and address included. Staff members will check roll, carry first aid equipment and medical release forms.

If a student is not called for at the end of the school day, the staff contacts all persons listed on the family information sheet. If no contact can be made, the Department of Human Resources will be called, or the Police Department, to transport the child to an emergency shelter. Staff members may not transport students without parental consent.



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POINTERS FOR PARENTS

1. Help your child to attend regularly except when his is ill.
2. Teach your child self-reliance by encouraging him to do things for himself.
3. Know your child's teacher.
4. Take an interest in the school and whatever your child brings home.
5. Take time to listen to your child's daily experiences and discuss with real interest. Encourage your child to talk about experiences, happenings and things around you. Encourage your child to use complete sentences.
6. Build in your child a wholesome, friendly attitude toward the teacher and the school.
7. Report any upsetting experiences that you think will help the teacher understand the child better.
8. Help your child to anticipate happy experiences in relation to the school.
9. Put your child's name on each article of outside clothing, supplies and lunch box.
10. Teach your child to walk on the sidewalk when one is provided and how to cross the street when an adult does not accompany him.
11. Teach your child to be considerate of others; to know simple rules of courtesy; to assume his place in-group activities.
12. It is highly desirable that parents be active in school affairs; we are happy for you to take part in the school/class function.
13. Read to your child—nursery rhymes, stories, labels on household items, even signs and billboards.
14. Help your child to notice and observe things around him/her. When looking at a book, ask questions such as the following:

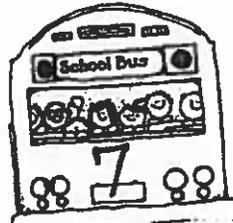
"What can you tell me about the picture?"

"What are some things you see?"

Or

"What is your favorite color in the picture?"

"Do you see anything in the picture that we saw on our trip?"



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15. Help your child to work puzzles, to draw with pencils, to color and to cut with scissors.

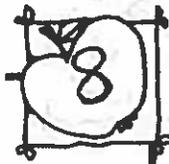
ATTITUDES TO ENCOURAGE

1. Understanding that school is a cooperative undertaking between teacher, child and parent.
2. Respect for adults in authority.
3. Respect for property.
4. Respect for others' opinions.
5. Understanding failure, such as: a chance to assess what's wrong and try again.
Understanding that he is not a failure, only the project at hand failed.
6. Understanding people are not alike.
7. Understanding he may not always have his own way.
8. Understanding he must share to be a part of a group.
9. Understanding he must listen, as well as talk.
10. Understanding he must learn to follow directions.
11. Understanding success in anything requires effort on his part.
12. Understanding his progress is important to the teacher.
13. Understanding the teacher will be fair although the child may not understand every situation.

HOME HABITS

That will help your child at school

1. Putting away his toys at pick-up time.
2. Listening to others and following directions.
3. Doing simple household tasks.
4. Helping others—brothers, sisters, friends.
5. Having time to go to bed, get up, rest play that fit his school needs.



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QUESTIONS ABOUT MONTESSORI

Who was Montessori?

Maria Montessori (1876-1952) was the first woman physician in Italy. She established a method of education that revolutionized the field. Her careful observations of children led her to develop techniques that have been developed and perfected throughout the world. Montessori developed a system of education based on each child's developmental needs for freedom within limits and a carefully prepared environment to help each child grow at his or her own level.

What is the purpose of Montessori education?

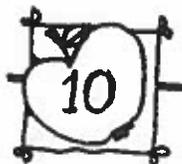
Dr. Montessori believed that no human being is educated by another person. He must do it himself or it will never be done. A truly educated individual continues learning long after the hours and years he spends in the classroom, because he is motivated from within by a natural curiosity and love for knowledge. Dr. Montessori felt, therefore, that the goal of early childhood education should not be to fill the child with facts from a pre-selected course of studies, but rather to cultivate his own natural desire to learn.

In the Montessori classroom this objective is approached in two ways: first, by allowing each child to experience the excitement of learning by his own choice rather than by being forced; and second, by helping him to perfect all his natural tools for learning, so that his ability will be at a maximum in future learning situations. The Montessori materials have this dual long-range purpose in addition to their immediate purpose of giving specific information to the child.

How do the children learn?

The use of the material is based on the young child's unique aptitude for learning, which Dr. Montessori identified as the "absorbent mind." In her writing she frequently compared the young mind to a sponge. It literally absorbs information from the environment. The process is particularly evident in the way a two-year-old learns his native language, without formal instruction and without the conscious, tedious effort necessary for an adult to master a foreign tongue. Acquiring information in this way is a natural and delightful activity for the young child, who employs all his senses to investigate his interesting surroundings.

Since the child retains this ability to learn by absorbing until he is almost seven years old, Dr. Montessori reasoned that a classroom where he could handle materials, which would demonstrate basic educational information to him, could enrich his experience. Over sixty years of experience have proved her theory that a young child can learn to read, write and calculate in the same natural way that he learns to walk and talk. In a Montessori classroom the equipment invites him to do this at his own periods of interest and readiness.



What are the rules?

Children are free to work with materials after they have been presented to them by a teacher. They remove a material from the self to enjoy as long as they choose. They must finish what they begin. They may repeat the exercise, create or discover more potential beyond the original presentation. The material is then returned to the self in the correct place. A mat or rug is used to provide a base or boundary for the child's work. A child may move about freely, watching, observing or visiting. He may not disturb another student's concentration and work.

How is the classroom set up?

PRactical LIFE exercises help the child in meaningful exercises associated with daily living. Here, the child learns to concentrate and follow a logical sequence of steps to complete a task.

✧ **SENsORIAL** materials provide exercises utilizing the senses for greater precision and perfection.

✧ **MATH** materials give a concrete concept to all mathematical principles and vary from the simplest concepts of 1 and 2 to four-digit problems in addition or division, squaring or cubing numbers.

✧ **LANGUAGe** materials are phonetic, based on introduction of sounds of letters to encourage early reading ability. Many materials are for independent student use, some are teacher directed only.

WRITING exercises give an opportunity to write, often before reading occurs. Meaning is given to letters and words.

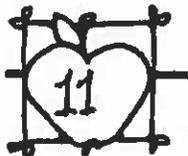
HISTORy & GEOGRAPHy materials provide an enlarged view of the child's world and the people and cultures near and far away.

SCIENCE exercises give practical and logical explanations and invite discovery in some of the mysteries of our world.

BIBLE materials are for individual classroom use, and present Bible facts from Old and New Testaments.

What about social development and creativity?

Social development and learning take place spontaneously when children interact with each other under the guidance of a caring, trained Montessori teacher. The environment of freedom of choice for activity is encouraging to creativity in a child's ability to operate in his world. Art, music and self-expression are encouraged in the classroom and special activities, but creativity occurs in all phases of a Montessori classroom.



What keeps it positive?

Most Montessori materials are self-correcting. When it is completed, the material tells the child if it is correct. Children are given individual presentations and are encouraged in individual development. Teachers leave the student to complete the work alone to enjoy the personal satisfaction of victory - to please him - not the teacher or his peers. Many material allow room for repetition and exploration to bring perfection.

Children in a free environment help and encourage each other, often coming to the aid of a friend in trouble. They grieve over another friend's problems. The self-discipline of the work creates discipline within the classroom.

Will these students adjust to another environment?

A Montessori environment has lasting effects. The results are a confident, secure child who finds pleasure in learning and in the completion of a task. The exposure to rich academic opportunities leads this child confidently into higher education with high expectations for more challenges to enjoy. Boredom is uncommon in a self-starter who finds joy in a new challenge.

Socrates said, "There is nothing in the mind that is not first in the hands." And it is the touching of these concrete materials that begins the building of the mental processes in your child. Traditional education begins with intellectual development hoping to make the abstract concrete. Montessori education begins with the development and refining of the senses, allowing your child to build this concrete knowledge one step at a time until he is ready and poised to make the great intellectual leap into the abstract. In Montessori education, it is the child's own developmental timetable that causes this explosion of solid (and unprecedented) learning to occur. It is not an artificial timetable based on age or calendar but a continual cultivation and development of the child's growing intellectual power that is being fed day by day in a manner that allows your child to appropriate the practice the tools and skills that will form his intellectual abilities for a lifetime.

Every day your child is absorbing the whole world around him trying to make sense of it, trying to master the parts he can. And it is in his



Montessori classroom that this world is made tangible and accessible. He can't always tell you when he is going to make the discoveries that will propel him on to new and even more exciting discoveries. Instead of being given the answers which he would be expected to put down on paper which could go home, he is given the questions and allowed to discover the answers for himself. This joy of discovery is hard to put on paper.

There are two ways better than paper to know what your child is learning. Ask his teacher. She has the great joy of daily watching the discoveries light up your child's eyes, of watching your child work the challenges of learning and the joy that comes to your child from mastery. She is watching the emergence of your child's personality, watching his character form and his intellect develop. When you are talking with the teacher, listen to the excitement of her voice as she relates your child's progress and read in her eyes the joy she shares in your child's discoveries and accomplishments. This is much better than paperwork.

Second, ask your child. But don't ask him what he learned today. He may not be able to tell you. Ask him what he sees out of the window. He may just read the street signs to you (which isn't bad for a three year old.) Ask him about his friends. Ask him about colors or dinosaurs or cars and then listen. He will tell you all kinds of things. He will use all kinds of words, vocabulary and concepts you didn't even know he knew. And if you keep listening you'll learn not only what he learned but you will set a pattern for conversation and discussion that will take you well beyond the teenage years. This is also much more satisfying and important than paperwork.



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PARENT-SCHOOL AGREEMENT

1. Children's Montessori Center is currently licensed for children ages 2 through 11 by the Department of Human Resources. All standards as outlined by this department will be followed by school personnel and parents may view current license and inspection reports if desired.
2. The school is licensed for 68 students to be present at any one time. Class size will not exceed 23 students. Additional staffing will provide special programs.
3. All students must be toilet trained. New students will be accepted on a temporary basis pending acceptable adjustment to the free Montessori environment.
4. The school will not refuse enrollment to any child because of race, color or creed.
5. The school is not licensed or staffed to serve children with special medical needs.
6. Each student enrolling in the school must have on file completed medical records with a physician's signature or stamp. A statement must be signed by parent or physician stating that the child is free of communicable diseases and able to participate in school activities. Also, note on the immunization record for (yellow copy) DHR's requirements for DPT and OPV boosters.
7. Classes meet from 8:30 a.m. to 2:00 p.m. Monday through Friday. Afternoon child care is from 2:00 p.m. to 6:00 p.m. Monday through Friday.
8. The school will issue a yearly calendar compatible with Waxahachie Public Schools calendar of school days.
9. The child must be left at the school in the presence of a staff member. Students will be released to parents, legal guardians or others authorized in writing by the parent or guardian.
10. Parents need to notify the school in writing or by phone if the student will not be present in a normally scheduled class period.
11. Any child showing symptoms of illness will not be accepted in the classrooms. If symptoms occur while in school, the child will be isolated and the parents will be notified.
12. Any medication must have doctor's or parents; authorization in writing.
13. All children will be expected to participate in physical activities an outside play in acceptable weather. If a child is to be inactive in these programs, a doctor's request is needed.



(11)

14. Any special problems or needs of the child must be noted by the parent on the student record sheet.
 15. A mid-morning and afternoon snack will be served each day. Staff will work with parents on allergies with doctor's recommendations as much possible.
 16. A staff member will be available for conferences with the parents. The director of the school will be available to meet with parents when requested by either parent or staff member.
 17. Discipline will be directed toward removal of the child from activities until the child is ready to conform to the behavior of the group.
 18. If it is agreed by the staff that any child needs special professional or medical help for a problem affecting his behavior at school, this help must be secured by the parents or the child is to be removed from the school.
 19. Parents will be notified of any injuries, communicable diseases or serious health conditions.
 20. Monthly tuition will be due in advance for any time the child is enrolled in the school. This includes all holidays. There will be no refunds or reductions for times a child is absent. No registration fees or tuition fees are refundable. All checks are to be made payable to Children's Montessori Center. Income tax information is furnished if requested.
 21. Children should not bring personal belongings to the school except for clothing and Show and Tell items. The school will not be responsible for items lost or broken.
 22. Parents of all students must read and sign the bottom of their child's enrollment form as acknowledgement that they have read and understand the facility's Policy Manual. This signature also gives consent for the designated student to participate in all field trips and activities scheduled by the school and as stated on the school calendar.
 23. From time to time our facility may have pets on the premise. Some of these pets may include fish, rabbits, goats, ponies, dogs, cats, turtles, etc. All animals that visit our school will be vaccinated and have a well check-up from the veterinarian. Please be aware that the students will NOT handle aquatic pets, such as turtles. There will be times that the children will be able to interact with other pets that are not part of the aquatic family.
- Parents may view a copy of the minimum standards and/or our most recent Licensing inspection report by requesting to do so from the Director or Assistant Director.
 - Parents may contact the local Licensing office or the Texas Department of Protective and Regulatory Services at www.tdprs.state.tx.us/childcare or at 1-800-862-5252.



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Operational Policy Amendments September 1, 2016

Required Policies

The Children's Montessori Center is licensed and regulated by the Texas Department of Family and Protective Services. The following policies are required by Child Care Licensing per The Minimum Standards for Child Care Centers 746.501.

Hours of Operation

Hours of operation are 7:00 a.m.-6:00 p.m. Monday-Friday excluding holidays. Actual class time is 8:30 a.m.-2:30 p.m. We observe the following holidays and will be closed: New Year's Day, Good Friday, Memorial Day, 4th of July, Labor Day, Thanksgiving (and Wednesday before and the Friday after), Christmas Day and Christmas Eve.

Meals and Food Service

Healthy nutritional meals and snacks are served daily to the children. Children's Montessori Center provides a morning snack and an afternoon snack for all children. Lunch is served beginning with the youngest class at 11:30 a.m. School age kids are served snacks as they arrive after school. Menus are available at the beginning of each week.

Food Allergies

Please advise the center of any allergies. If a child has a food allergy, parents are asked to provide a "Food Allergy Emergency Plan" completed by a physician (forms are available in the office).

Release of Children

All children must be signed in and out and must be left with a staff member when brought to the center. In the event that a parent is unable to pick up their child, they may authorize another legal adult to pick up. Children will not be released to a minor. Authorized adults must be listed on the enrollment form to pick up and the authorized adult must bring a picture ID. Children will not be released to adults without a picture ID.

Illness and Exclusion Policy

Children's Montessori Center is designed for well children. Children who are ill should not attend preschool. Children's Montessori Center observes the standards set by the Texas Department of Family and Protective Services for ill children. The most common standards for exclusion are:

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1. Illness that prevents the child from participating in child care activities, including outdoor play
 2. The illness results in a greater need for care than caregivers can provide without compromising the health, safety, and supervision of the other children
 3. Armpit temperature of 100° or higher
 4. Symptoms and signs of possible severe illness such as lethargy, abnormal breathing, uncontrollable diarrhea, 2 or more vomiting episodes in 24 hours
 5. The child has been diagnosed with a communicable disease

If a child becomes ill while in our care, we will contact the parent immediately. Parents need to pick up children within 1 hour of notification. If a child is sent home sick from our center, they may not return until they are symptom free for 24 hours. If a child is sent home with fever, they may not return until they are fever free for at least 24 hours without the use of acetaminophen or ibuprofen.

Medication

If medications need to be administered at school, the following conditions must be met:

- Prescription medication will be accepted only if it is in the original container labeled with the child's full name for whom it is intended, and hasn't reached its expiration date
- Nonprescription medication may only be administered by following the manufacturer's recommendation on the label or amended in writing by the child's doctor, medication must be in the original container
- Before any prescription or nonprescription medication can be administered, including sunscreen, we must have permission in writing by the child's parent or guardian. Please fill out the medication forms that are located in the front office
- Medication needs to go home after the last date that the medication is administered

Health forms are required to be completed at the time of enrollment showing any allergies, a statement of general health, and a current immunization history. These must be updated and kept current.

Health Checks

Children's Montessori Center will do a visual check of the children upon arrival each morning. If a staff member notices anything unusual they are required to point this out to the parent at that time. If your child has an accident overnight, please notify staff members when dropping off so that we can assist in watching the child for side effects.

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Immunization Requirements

Immunization records must be current for all children enrolled in the Children's Montessori Center. It is the parent's responsibility to ensure that their child's immunizations are current.

Tuberculin Testing Requirements

Based on local health department guidelines, proof of TB testing is not required in order to be enrolled at our center.

Hearing and Vision Screening

Hearing and Vision Screening for possible hearing and vision problems is required by the Special Senses and Communication Disorders Act, Texas Health & Safety Code, Chapter 36, for children who are 4 years old. Parents may bring in screening proof from their child's pediatrician.

Procedures for Handling Emergencies

In case of minor injury or accident, the staff will administer basic first aid. All injuries or illnesses not requiring immediate parental notification will be documented and reported to parents when the child is picked up at the end of the day.

In case of medical injury or illness requiring immediate professional care (emergency), the staff will call 911. As appropriate, the staff will administer CPR or first aid measures. Parents will be notified immediately. If parents are unavailable, those individuals designated as emergency phone contacts will be notified.

If a child ingests or comes in contact with a poisonous substance the staff will contact the Poison Control Center 1-800-222-1222.

Parent Notifications

Children's Montessori Center has several ways of communicating with parents. In some situations, parents maybe asked to sign documents acknowledging that communication has taken place. Listed below are ways that CMC may communicate with parents:

- Written memos and newsletters placed in the child's daily folders
- Verbal communication with the child's teachers and director

Discipline & Guidance Policy

Children's Montessori Center staff members use a positive method of discipline and guidance. A few examples are: praise and encouragement of good behavior instead of focusing only upon unacceptable behavior; reminding a child of behavior expectations by using clear, positive statements and redirecting behaviors. CMC staff

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will never use corporal punishment or negative discipline that may hurt or humiliate a child. CMC reserves the right to terminate care for a child for discipline problems at anytime.

Transportation

School age children will be transported to and from public school and during the summer on field trips. Proper seat restraints will be provided. Students will wear name tags with the name of the school, phone number and address include. Water activities will be limited to the summer only and only for school age children. CMC does not transport children younger than school age, except in emergency situations. A child will not be taken on field trips unless a parent or guardian has signed permission forms.

Field Trips

School age children (Kindergarten through 5th grade) will have weekly field trips during summer break. Transportation for field trips will be by daycare van. Parents will be notified in writing of the summer field trips.

Questions or Concerns

If parents have questions or concerns about our program, we encourage you to have open communication with your child's teacher and the center Director. Through open communication, we can ensure that all parties are well informed and working as partners in the child's education.

Parent Participation

We encourage parent involvement, helping with class parties is a great way to be involved! Also, if you have a concern, please schedule a time to meet with the classroom teacher and/or the director.

Minimum Standards for Childcare Centers

Children's Montessori Center is licensed and regulated by the Texas Department of family and Protective Services and we follow the Texas Minimum Standards for Child Care Centers.

Parents may review a copy of our recent licensing report in our front office. Parents may also review a copy of the Minimum Standards in our front office or view them online at:

www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp

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Licensing

Parents may contact our local child care licensing office at 214-583-4253, DFPS Child Abuse Hotline at 1-800-252-5400, and DFPS website at: www.dfps.state.tx.us

Gang Free Zone

Under the Texas Penal Code, any area within 1000 feet of a child care center is a gang-free zone, where criminal offenses related to organized criminal activity are subject to a harsher penalty. Children's Montessori Center is a GANG-FREE ZONE.

Emergency Preparedness Plan

Below is the Emergency Preparedness Plan designed for Children's Montessori Center. Parents are encouraged to read this information carefully. In the event a parent is present in the building during an emergency, CMC will ask parents to participate accordingly.

During any emergency, the best course of action is to BREATHE AND STAY CALM, know how many children you have at all times.

If you have children of your own in the facility, but in another classroom, trust that their teachers will take care of them just as you are taking care of the children in your care.

In all situations in this Emergency Preparedness Plan, "Director" refers to Judy Fletcher, in the Director's absence, Connie McMillen, Assistant Director or office staff assumes the role of Director and then designates another staff member to assume the responsibilities of the Assistant Director. In all situations in the Emergency Preparedness Plan, the Director, or designated person in charge, will notify Child Care Licensing and/or the Health Department and/or call 911 as each situation dictates. In all situations in the Emergency Preparedness Plan, the Director, or designated person in charge, may delegate any Portion of his/her duties to other staff members or emergency personnel as he/she deems necessary.

Tornado/Bad Weather

- Stay calm. Watch the kids, not the situation.
- Have the children sit along the walls, as close together as possible and have them duck and cover.
- Stay there until advised that the bad weather has passed.
- It can be helpful to quietly sing songs with the children to help them keep calm.
- The Director in charge will monitor local weather stations and the weather alert radio for updates.

Communicable Disease Outbreak

- All staff members will vigilantly follow policies and procedures regarding toileting, hand washing, food preparation and general common sense measures

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such as keeping surfaces clean, changing bedding, teaching children how to cover coughs and sneezes, etc. to prevent the spread of germs that cause illness in the first place.

- In the event of an outbreak, the Director, or person in charge, will notify the Health Department and Child Care Licensing to inform them of the situation and ask for instructions and guidelines to follow for specific illness or outbreak.
- The Director, or person in charge, will inform all staff members of instructions and guidelines and require them to follow the same.
- The Director, or person in charge, will also notify all parents about the situation in writing within 48 hours as required by the Texas Department of Family and Protective Services and Child Care Licensing.
- All staff is to follow the school's confidentiality policies when speaking of the above outbreak. Any violation of the confidentiality policy is grounds for immediate termination.

Lock Down

- The Director, or person in charge, will announce, "Lock Down" or other discrete code and will call 911
- The Director, or designated person, will supervise the front desk at all times during the incident, if possible.
- Upon hearing this, or sooner if you are aware that an intruder has entered the building or immediate vicinity, say calmly to the children a discrete phrase (the children will know what to do because you practice this)
- Close all your classroom doors
- Turn off the lights
- If you have reason to believe that no one else in the center is aware of the danger, and you can safely do so, calmly announce the secret code for "Lock Down"
- Whisper and remind the children that "we are to be very quiet"
- Do a name/face check silently
- Keep the children and yourself safe, in place, and away from all interior and exterior windows
- Watch the children, not the situation!
- If the intruder enters your classroom, do not argue with him
- The Director, or person in charge, will ensure that all building entrances and exits are locked and that no unauthorized individuals leave or enter the building
- Await further instructions from the Director, or person in charge, or emergency personnel.

Accident

- Breathe and stay calm.
- Make sure all children are supervised. If you are alone, tell them to sit down near you.
- Comfort the child by speaking in a low, quiet voice.

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- Apply first aid as needed.
- Call the office if you need further assistance and/or the Director or the person in charge to call 911.
- If the child is bleeding profusely, apply pressure to stop the bleeding. In an extreme case, take off the child's shirt and use that.
- If injury is to the head or face, report it to the office immediately - even if it is minor.
- Complete an accident/incident report, have the Director sign it immediately and have the parent sign it when the child is picked up.
- Turn the accident/incident report in to the Director, or person in charge, before you leave on the same day.
- Keep the accident/incident report confidential while in your presence.
- In the event of serious illness or injury involving an adult, contact the office and the Director, or the designated person in charge, will call 911 and/or the person's emergency contact.

Explosion, Chemical Spill or Gas Leak

That occurs INSIDE the facility

- See procedures for FIRE and OFF-SITE EVACUATION AND RELOCATION

That occurs OUTSIDE the facility

- Close doors and lock if possible.
- Turn off air conditioner/heater.
- Turn off lights, computers, TV, radio, CD player, aquarium pump or anything else that may cause a spark.
- Keep children seated on the floor and calm. Sing quiet songs or read stories.
- Be prepared to evacuate if told to do so by the Director, or person in charge, or emergency personnel.
- If you detect a strong odor, show the children how to lift up and breathe through their shirts.
- If told to evacuate, consider crawling to avoid strong fumes that are floating higher in the air. Ask for clarification, if time.

Bomb Threat or Other Threat

- Write down everything the person says.
- Ask where the bomb is.
- Ask when the bomb (or other threat) will "go off" or "happen".
- Write that down too.
- Notify Director, or person in charge, to call 911 immediately.

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Off-Site Evacuation and Relocation

- Your primary responsibility is to keep the children safe.
- Children will be evacuated in case of emergency to Comerica Bank, which is located across the street to their safe room. Comerica Bank is located at 820 Ferris Ave. Waxahachie, TX, # 972-937-7099. The Director is responsible for keeping a charged cell phone with him/her and overseeing and directing the evacuation process. He is the last person to leave the building.
- The Assistant Director is responsible for taking the emergency binder, the first aid kit, emergency medication and a charged cell phone and accompanying the first vehicle to the evacuation site so that he/she can be in charge of the evacuation site.
- The Director and Assistant Director are aware of each cell phone number.
- Evacuation and relocation site for a mandatory evacuation from the city is the McMillen Farm, 1605 E. FM 875 Midlothian, TX. The children and staff will be transported in a 57 passenger bus, provided by Brown St. Church of Christ, to the Midlothian location along with staff members. Our van and SUV will also help in the evacuation process.
- After all children and staff have been relocated to the evacuation site and are safe and have had all needs taken care of, the Director and Assistant Director will designate staff to contact parents and notify them of the situation.
- Staff members will continue to supervise and take care of the children including entertaining them with songs, stories, games, etc. at the evacuation site. Watch the kids, not the situation.
- The Assistant Director will continue to supervise and take care of the needs of the staff.
- The Director will be the contact person for emergency personnel and parents.
- The center's usual verification process for allowing adults to pick up children from the center will be used at the evacuation site.

Fire

- When aware of fire or when alarm sounds, quietly say, "Fire drill boys and girls, line up at the door, please." Your primary responsibility is to get the children safely out of the building. *Do not attempt to put out the fire unless it is between you and a child or preventing exit.*
- Make a quick head count.
- Make sure you have everyone.
- Proceed to the proper fire exit and exterior meeting place as designated on the floor plan in your classroom.
- Do a name/face check once you are outside and check it against your attendance sheet. If anyone is missing, tell the Director, or person in charge, or a fire fighter immediately, but never leave the children unsupervised.
- The children must be safe (out of the way of emergency vehicles and the fire) and supervised at all times. Watch out for anthills, broken glass and other hazards.
- Watch the kids, not the situation.

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- The fire department, Director, or person in charge, will tell you when you and the children can re-enter the building or begin off-site evacuation procedures.

Management Responsibilities

- When aware of fire or when alarm sounds, the Director sounds the alarm, if necessary, thus alerting everyone and notifying the fire department.
- He then proceeds to each classroom to ensure that everyone is out of the building.

Breastfeeding

Children's Montessori Center will provide a comfortable place with a seat for mothers to breastfeed their child if they choose to do so. Parents may also provide breast milk for their child to be served while in our care.

Child Abuse Reporting Law Requirements

Children's Montessori Center staff are **REQUIRED** by Texas State law and licensing requirements to report immediately to the police or Child Protective Services (CPS) any instance when there is reason to suspect the occurrence of physical, sexual or emotional child abuse, child neglect or exploitation. Our staff receives annual training on recognizing and preventing abuse and neglect, including sexual abuse. CMC has made a commitment to help increase awareness and prevention techniques to employees and parents through trainings, memos and monthly newsletters. CMC will also coordinate with community organizations on strategies to prevent child abuse.

The staff may not notify parents when the police or CPS is called about possible child abuse, neglect or exploitation, except on the recommendation of CPS or the police when they are called.

Some examples of abuse and neglect are: leaving a child in a vehicle unattended, not securing a child in a seat belt or booster seat, unexplained marks or bruises on opposite sides of the body and child hygiene issues.

If parents feel they need assistance with possible child abuse, neglect or sexual abuse, we encourage you to get help. Please call the National Parent Hotline at 1-855-427-2736 or visit www.helpandhope.org/find-help.html

The statewide Abuse & Neglect phone number is 1-800-252-5400, if you would like to report any suspected abuse or neglect.

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), WITH CONCEPT PLAN LOCATED AT 214 DUNN STREET, PROPERTY ID 171158, BEING LOT 3A, BLOCK 118 OF TOWN ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.5 ACRES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-114-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF2 to PD-SF2, with Concept Plan; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from SF2 to PD-SF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows a Children's Montessori Center on the following property: Lot 3A, Block 118 of Town Addition, which is shown on Exhibit A.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to allow a Children's Montessori Center and establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance.

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-114-2020.
2. Where regulations are not specified in the attached exhibits, or in the Ordinance, the regulations of Single Family-2 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.

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- 3. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this 5th day of October, 2020.

MAYOR

ATTEST:

City Secretary

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Planning & Zoning Department

Zoning Staff Report



Case: ZDC-109-2020

MEETING DATE(S)

Planning & Zoning Commission: September 29, 2020

City Council: October 5, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 29 2020, the Commission voted 6-0 to recommend approval of case number ZDC-109-2020, subject to staff comments.

CAPTION

Public Hearing on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home use.

CASE INFORMATION

Applicant: LaFonda Gentry

Property Owner(s): Byron and LaFonda Gentry

Site Acreage: 0.622 acres

Current Zoning: Planned Development-Single Family-3

Requested Zoning: Planned Development-Single Family-3 with SUP

SUBJECT PROPERTY

General Location: 108 Wellington Ct.

Parcel ID Number(s): 208441

Existing Use: Single Family Residence and Family Home

Development History: N/A

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Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF3	Windchase Addition Phase V
East	PD-SF3 & MF1	Windchase East Phase I & Shackelford Elem. School
South	PD-SF3	Windchase Addition Phase II
West	PD-SF3	Windchase Addition Phase II

Future Land Use Plan: Low Density Residential

Comprehensive Plan: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The subject property is accessible via Wellington Ct.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home use.

Proposed Use:

The applicant, LaFonda Gentry, is requesting approval to allow an existing Family Home (LaFonda's Kids). During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

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LaFonda's Kids has been operating the at the subject property for 19 years (March 2001). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. LaFonda's Kids is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 7:00am – 5:30pm Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received two (2) letters of opposition and one (1) letter of support for the proposed Specific Use Permit request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Operational Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
 Colby Collins
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Reviewed by:
 Shon Brooks, AICP
 Director of Planning
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Case ZDC 100 2020
Response Received Inside Required 200 Notification Area
Support 1 Oppose 2

Parcel ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City/County/State	Owner's Zip	Parcel Address
200576	CLICH RONALD B JR & SUE L	0	LOT 10 BLK B WINDCHASE ADDN PH B	187 YORKSHIRE CT	WAXAHACHE TX	75166	187 YORKSHIRE CT WAXAHACHE TX 75166
200580	KOZLOVSKY CHARLES E & MARGARET M TRUSTEES THE CHARLES KOZLOVSKY & MARGARET M	0.2376	LOT 11 BLK B WINDCHASE ADDN PH B 0.2376 AC	186 YORKSHIRE CT	WAXAHACHE TX	75166	186 YORKSHIRE CT WAXAHACHE TX 75166
200581	BONE R CLYFORD W & PETERSON PAMELA R	0.2475	LOT 12 BLK B WINDCHASE ADDN PH B 0.2475 AC	185 YORKSHIRE CT	WAXAHACHE TX	75166	185 YORKSHIRE CT WAXAHACHE TX 75166
200582	WINDCHASE WINDCHASE	0	LOT 13 BLK B WINDCHASE ADDN PH B	184 YORKSHIRE CT	WAXAHACHE TX	75166	184 YORKSHIRE CT WAXAHACHE TX 75166
200587	DOUGL M BREMER	0	LOT 8 BLK B WINDCHASE ADDN PH B	188 YORKSHIRE CT	WAXAHACHE TX	75166	188 YORKSHIRE CT WAXAHACHE TX 75166
200588	MARTIN CLARENCE F & PARTHENA A SALINAS	0	LOT 9 BLK B WINDCHASE ADDN PH B	189 YORKSHIRE CT	WAXAHACHE TX	75166	189 YORKSHIRE CT WAXAHACHE TX 75166
200623	GRIMES SCOTT H	0.248	16 B WINDCHASE ADDN PH IV 0.248 ACRES	182 WELLINGTON CT	WAXAHACHE TX	75166	182 WELLINGTON CT WAXAHACHE TX 75166
200653	MOLINA MARTIN B & ROBBIE	0.248	18 B WINDCHASE ADDN PH IV LOCKED GATE 0.248 ACRES	194 WELLINGTON CT	WAXAHACHE TX	75166	194 WELLINGTON CT WAXAHACHE TX 75166
200654	BARTY INVESTMENTS LLC WELLINGTON SERIES A	0.23	LOT 17 BLK B WINDCHASE ADDN PH IV 0.23 AC	804 BELKY LN	WAXAHACHE TX	75166	188 WELLINGTON CT WAXAHACHE TX 75166
200641	GENTRY BYRON D SR & LAFONDA H	0.622	18 B WINDCHASE ADDN PH IV 0.622 ACRES	188 WELLINGTON CT	WAXAHACHE TX	75166	188 WELLINGTON CT WAXAHACHE TX 75166
200642	LLOYD ULFRIDA	0.7	LOT 19 BLK B WINDCHASE ADDN PH IV 0.7 AC	187 WELLINGTON CT	WAXAHACHE TX	75166	187 WELLINGTON CT WAXAHACHE TX 75166
200644	TE PAVAC DORAN & SEFKA ETAL	0.23	LOT 20 BLK B WINDCHASE ADDN PH IV 0.23 AC	186 WELLINGTON CT	WAXAHACHE TX	75166	186 WELLINGTON CT WAXAHACHE TX 75166
200645	ARKINS LISA L	0.248	21 B WINDCHASE ADDN PH IV 0.248 ACRES	185 WELLINGTON CT	WAXAHACHE TX	75166	185 WELLINGTON CT WAXAHACHE TX 75166
220864	CARROLL CHARLES A JR & ROBBIE	0.187	LOT 1 BLK B WINDCHASE EAST PH I 0.187 AC	3018 CARLTON PKWY	WAXAHACHE TX	75166	3018 CARLTON PKWY WAXAHACHE TX 75166
220849	HEATH MYCKRY	0.206	LOT 30 BLK B WINDCHASE ADDN PH V 0.206 AC	112 MANCHESTER DR	WAXAHACHE TX	75166	112 MANCHESTER DR WAXAHACHE TX 75166
220850	COMPTON GARY L & DEBRA J	0.254	LOT 31 BLK B WINDCHASE ADDN PH V 0.254 AC	114 MANCHESTER DR	WAXAHACHE TX	75166	114 MANCHESTER DR WAXAHACHE TX 75166
220866	RAGER DALE	0.208	LOT 27 BLK B WINDCHASE ADDN PH V 0.208 AC	108 MANCHESTER DR	WAXAHACHE TX	75166	108 MANCHESTER DR WAXAHACHE TX 75166
220869	INKES DAVID W & VERA E	0.206	LOT 28 BLK B WINDCHASE ADDN PH V 0.206 AC	P O BOX 452	WAXAHACHE TX	75166	108 MANCHESTER DR WAXAHACHE TX 75166
220870	AMES TAYLOR B	0.174	LOT 33 BLK B WINDCHASE ADDN PH VB 0.174 AC	3025 CARLTON PKWY	WAXAHACHE TX	75166	3025 CARLTON PKWY WAXAHACHE TX 75166
220871	CELLIS BHONORA L	0.174	LOT 34 BLK B WINDCHASE ADDN PH VB 0.174 AC	3023 CARLTON PKWY	WAXAHACHE TX	75166	3023 CARLTON PKWY WAXAHACHE TX 75166
220872	WILSON BRIDGET L OISF	0.164	LOT 35 BLK B WINDCHASE ADDN PH VB 0.164 AC	3021 CARLTON PKWY	WAXAHACHE TX	75166	3021 CARLTON PKWY WAXAHACHE TX 75166
220873	MCOE PHILLIP B JR	0.18	LOT 36 BLK B WINDCHASE ADDN PH VB 0.18 AC	3019 CARLTON PKWY	WAXAHACHE TX	75166	3019 CARLTON PKWY WAXAHACHE TX 75166
220874	HOPPER WILLIAM J & AMBERLY D	0.189	LOT 37 BLK B WINDCHASE ADDN PH VB 0.189 AC	3017 CARLTON PKWY	WAXAHACHE TX	75166	3017 CARLTON PKWY WAXAHACHE TX 75166
220875	JONES LAKEITHA A & WILLIE P RHMNEY	0.179	LOT 38 BLK B WINDCHASE ADDN PH VB 0.179 AC	3015 CARLTON PKWY	WAXAHACHE TX	75166	3015 CARLTON PKWY WAXAHACHE TX 75166
220877	HINES BRENT S & REGINA HINES	0.18	LOT 40 BLK B WINDCHASE ADDN PH VB 0.18 AC	15010 RD	DELTA CO	81410	3011 CARLTON PKWY WAXAHACHE TX 75166
220880		0					110 MANCHESTER DR WAXAHACHE TX 75166



(13)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-109-2020

RECEIVED
9/11/20

TIPTON HUGH D & CYNTHIA L
106 YORKSHIRE CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BRYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-109-2020

City Reference: 200586

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments: How many children would be permitted?

1. Liability would present a problem. A very young child got out of that same house a while back and spoke no english. She was discovered on Yorkshire alone

[Signature]
Signature

9-13-20
Date

CYNTHIA L. TIPTON
Printed Name and Title

106 YORKSHIRE CT.
Address

SEE 2nd. PAGE

It is a crime to knowingly submit a false zoning reply form (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)

Tipton Hugh & Cynthia L
106 Yorkshire Ct.
Waxahachie, Texas 75165
09/13/2020
Comments - Page 2

City of Waxahachie, TX
Notice of Public Hearing
Regarding Case Number: ZDC-199-2020

Additional comments as to why we do not want a permit approved for Lafonda's Kids Family Home Daycare to be issued.

2. What department of the City of Waxahachie will oversee that all potentially necessary improvements, safety issues etc. will be implemented to the structure in order that it be deemed acceptable for the care of the children involved?
3. If changes and improvements are required, what will be the time frame for completion?
4. Will the owners be held responsible/liable for all consequences to neighbors and or their property resulting from this daycare?
5. There are too many potential liability concerns. Ex: A child goes on a neighbor's property and is injured. Ex: A child gets out of the home and proceeds through the neighborhood unnoticed by the owners. This very occurrence happened a while back, and was discovered on another street wandering by herself and spoke no English. The police came and resolved the situation.
6. Will they have the necessary number of daycare workers to oversee each child/children.
7. How old will the children be? School age, toddlers, infants?

There are too many potential variables and possible issues/problems that could arise from having a "business" in a neighborhood (where children are concerned) that is designed for single-family use. Because of the unanticipated problems, crises, concerns, safety issues, noise etc. and because this is a single-family development, we oppose the issuance of a Specific Use Permit (SUP) for Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441).

Hugh Tipton

Cynthia Tipton

Date: _____

(13)

Case Number: ZDC-109-2020

City Reference: 208442

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I HAVE LIVED NEXT DOOR TO THE GENTRYS FOR 11 YRS.
THERE HAS NEVER BEEN ANY PROBLEMS WITH NOISE
TRAFFIC, ETC

Glynda Leay
Signature

9/15/20
Date

MS GLYNDA LEAY
Printed Name and Title

107 WELLINGTON CT, WAXAHACHIE
Address
75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

RECEIVED
9/18/20

(13)

Case Number: ZDC-109-2020

City Reference: 239975

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED
9/22/20

Comments:

Tom Newell
Signature

9-16-20
Date

TOM NEWELL
Printed Name and Title

3015 CARLTON PIKE WY
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(17)

City of Waxahachie
Planning & Zoning Department
401 South Rogers Street
Waxahachie, TX 75168

August 7, 2020

Dear Sirs,

LaFonda's Kids, operated by Lafonda Gentry, is located at 108 Wellington Ct, Waxahachie, Texas 75165, and is a Texas Licensed Child-Care Home.

Hours of operation is Monday – Friday, 7am – 5:30pm, and has a total capacity of 12 children who range in ages from infant to 12 years of age. All children are provided with a breakfast, lunch, and 2 snacks per day.

This establishment is routinely inspected by The Texas Department of Health and Human Services, and has not been cited for any deficiencies in the past five-year reporting history.

If you have any questions, please contact LaFonda Gentry at (214) 632-7171.

Respectfully,

A handwritten signature in black ink that reads "Lafonda Gentry". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lafonda Gentry

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) ZONING DISTRICT, LOCATED AT 108 WELLINGTON COURT, PROPERTY ID 208441, BEING LOT 18B OF WINDCHASE ADDITION PHASE IV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments PD-SF3; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-109-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-SF3 to PD-SF3, with an SUP in order to permit a Family Home (LaFonda’s Kids) on the following property: Lot 18B of Windchase Addition Phase IV, which is shown on Exhibit A.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City’s Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (LAFONDA’S KIDS) USE IN THE PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-109-2020.

(14)

- 2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- 3. If approved, the City Council shall have the right to review and/or deny the Specific Use Permit after 12-months if needed.

Compliance

- 1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
- 2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
- 3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 5th day of October, 2020.

MAYOR

ATTEST:

City Secretary

(14)



Exhibit A - Location Exhibit

ZDC-000109-2020 (SUP)

(15 & 16)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: September 30, 2020
Re: ZDC-119-2020 – Ridge Crossing

On September 30, 2020, the applicant requested to withdraw case number ZDC-119-2020 from the October 5, 2020 City Council meeting agenda.

(17 + 18)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: September 30, 2020
Re: ZDC-117-2020 – Victron Park

At the September 29, 2020 Planning and Zoning meeting, the Commission voted 6-0 to continue case number ZDC-117-2020 to the October 13, 2020 Planning and Zoning Commission meeting agenda, and the October 19, 2020 City Council meeting agenda.

(19)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: October 2, 2020
Re: Solid Waste Service Contract Award

On Monday October 5th an item will appear before City Council for consideration to authorize the City Manager to enter into a five year solid waste services contract, with two additional five year renewal options, with Waste Connections. In July the city issued a Request for Proposal for municipal solid waste services, with six firms responding to the advertisement. An evaluation committee made up of city staff determined that Waste Connections was the most advantageous proposer, with an average evaluation score of 86.46 out of 100 possible points. Waste Connection is the city's current service provider, and has been under contract to perform solid waste services for the past 20 years.

The request for proposal advertised a number of service delivery options including bi-weekly loose trash collection, weekly polycart trash collection, weekly polycart recycling collection, every other week recycling collection, and monthly household hazardous waste collection. Upon reviewing the proposed rates corresponding to each service delivery method, **city management recommends awarding weekly polycart trash collection, every other week recycling collection, and weekly household hazardous waste collection for residential services.** The collective rates for these services, excluding city overheads and sales tax, total \$5.70 per residential household each month. This represents a **\$2.37 reduction** from the residential rates in the city's current contract with Waste Connections.

Beyond a reduction in the residential rate, this contract will provide for many service enhancements, including: 1) replacing loose bag collection with a 95 gallon polycarts, 2) replacing the existing 16 gallon recycling containers with 95 gallon

(19)

polycarts, 3) offering weekly bulk collection (current contract provides for annual bulk collection), 4) providing the ability to place yard clippings in weekly trash collection (current contract allows for a bi-annual special collection for yard clippings), 5) offering a weekly household hazardous waste program for various chemicals, paints, and e-waste, and 6) replacing all existing commercial and industrial trash containers with new containers.

While there are many new services enhancements and a considerable decrease in the residential rate, the proposed contract provides for various rate increases and decreases for industrial and commercial customers, depending on the container size and frequency of collection. In every proposal received by the city there were rates submitted that were greater and less than what is offered to industrial and commercial customers in the existing service contract. While there are some rate increases in the Waste Connection proposal, when comparing against the other submissions staff still determined that Waste Connections was the most advantageous firm to provide municipal solid waste services.

Ultimately staff believes this proposed contract provides significant enhancements to service delivery throughout the city at a very competitive rate. As a result, staff recommends the following motion: I authorize the City Manager to enter into a service agreement with Waste Connections for solid waste and recycling services, with weekly polycart trash collection, every other week polycart recycling collection, and weekly household hazardous waste collection. The recommended service contract will go into effect April 1, 2021 after the conclusion of the existing contact.

I am available at your convenience should you need additional information.

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: October 2, 2020
Re: Drought Contingency Plan Ordinance Revisions

On Monday October 5th an item will appear before City Council for consideration of minor revisions to the city's Drought Contingency Plan and associated ordinance. The proposed changes would: 1) renumber the drought contingency stages to eliminate confusion associated with Stage 0 of the plan; 2) modify the elevation associated with the initial activation of the Bardwell Reservoir Raw Water Pump Station; and 3) incorporate additional language required by Texas Water Code pertaining to wholesale water contracts.

The modification to the elevations associated with the activation of the Bardwell Reservoir Raw Water Pump Station will enable staff to initiate the pump station one foot earlier than established in the current plan (531' above sea level, rather than 530' above sea level). This operational change will provide an elevation buffer, giving staff additional maintenance time should repairs be necessary at the pump station upon activation. This change should assist with preventing Lake Waxahachie from experiencing dramatic decreases in lake elevation during the early summer months.

I am available at your convenience should you need additional information.

Tommy Ludwig

(20)

EXHIBIT "A"



DROUGHT CONTINGENCY PLAN FOR THE CITY OF WAXAHACHIE, TEXAS

Ordinance No. ~~3106~~

Adopted
~~April 1, 2019~~ October 5th, 2020

(20)

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF WAXAHACHIE**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Waxahachie hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

- (a) Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Waxahachie by means of city website and publications at city hall.

Section III: Public Education

The City of Waxahachie will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of the press (local newspapers and radio station), publication at city hall, social media and on city web site at www.waxahachie.com.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Waxahachie is located within the Region C Water Planning Area and the City of Waxahachie has provided a copy of this Plan to the Region C Water Planning Group.

Section V: Authorization

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

- (a) The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Waxahachie. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.
- (b) Wholesale water customers will be notified of Drought Contingency Stages by letter and will be required to implement conservation measures as outlined in their wholesale water contracts with the City.
- (c) Future wholesale water customers shall be required to submit a Drought Contingency Plan to the City of Waxahachie prior to entering into wholesale contracts with the city.
- (d) This drought contingency plan shall be reviewed and updated at a minimum of at least every 5 years, or when necessary, based on new or updated information.
- (e) The City shall notify the Texas Commission on Environmental Quality within 5 business days of the implementation of any mandatory provisions of this plan.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by City of Waxahachie.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians. No outdoor watering between the hours of 10:00 a.m. and 6:00 p.m. beginning June 1st through September 30th. This timeframe may be extended at the discretion of the City Manager. Hand-held watering, drip irrigation, and soaker hoses may be used any day and any time.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Section VIII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of

(20)

the Plan. Public notification of the initiation or termination of drought response stages shall be by means such as publication in the local newspapers, announcements on local radio station, publication at city hall, social media and the city website.

The triggering criteria described below are based on previous experiences in drought conditions in the City of Waxahachie over the past 30 years. Until 1994 the City did not have an established Drought Contingency Plan and there has been sufficient water to serve the City. However, since the City has been and continues to be experiencing moderate growth over the past years, there is a need to revise Drought Contingency measures to protect the City's water supplies as well as meet the Texas Commission on Environmental Quality's Regulations. The following triggering criteria have been established based on the past five years (2015-2019) experience of moderate to severe drought conditions. These measures, coupled with the improvements of the Bardwell Reservoir Raw Water Pump Station and construction of the ~~new~~ Robert W. Sokoll Joint-Venture Surface Water Treatment Plant, enabled the City of Waxahachie to maintain an adequate supply of water during these dry times. The basis for determining the Drought Stages is based on the available water supply in Lake Waxahachie. Attachment "A" includes additional capacity information of Lake Waxahachie at each Drought Stage.

(a) **STAGE 01 - Normal Water Conditions**^[LT1]

Requirements for initiation - Monitor weather conditions, activate Bardwell Reservoir Pump Station to transfer raw water when Lake Waxahachie drops below to elevation 5310' msl. for three consecutive days. This is one and one half feet 6" below the spillway overflow elevation. The lake is operating at approximately 97691 percent capacity.

Termination of Stage 01 - Stage 01 of this Plan may be rescinded when the water elevation of Lake Waxahachie is at a minimum of 531.5' or is topping the Lake Waxahachie spillway. ~~for at least 3 three consecutive days.~~

(b) **STAGE 12 - Mild Water Shortage Conditions**

Requirements for initiation - When Lake Waxahachie elevation drops to 527' msl. This is 4.5-feet below spillway elevation and the lake is operating at less than 74 percent capacity: Customers will be encouraged to voluntarily conserve water and reduce non-essential water use as described in Section VII - Definitions, of this plan. The city will provide public education on water conservation tips and information through newspaper articles, city website and handouts. Lake Waxahachie and city parks adjacent to the lake will remain open.

Termination of Stage 12 - Stage 12 of this plan may be rescinded when the water elevation of Lake Waxahachie is at a minimum of 5310' for at least 3 consecutive days. Upon termination of Stage 12, Stage 01 becomes operative.

(c) **STAGE 23 – Moderate Water Shortage Condition**

Requirements for initiation - When Lake Waxahachie elevation drops to 524' msl. This is 7.5-feet below spillway elevation and the lake is operating at less than 68 percent capacity: Customers shall be required to comply with requirements of mandatory limits on all lawn and landscape irrigation which will be restricted to Wednesday and Saturday only; provided however, that the City Manager, or his/her designee, after notice in the newspaper, radio, city website and any other methods deemed appropriate, may change the days to Tuesday, Thursday and Saturday. Non-essential water uses shall be prohibited, except for letter (a), as described in Section VII – Definitions, of this Plan. Items listed in letter (a) shall comply with mandatory watering limits in this stage. Require implementation of like procedures by Wholesale Water Customers in accordance with their contracts and state mandated drought and water conservation plans. Violators of this stage will be subject to fines. First offense - warning; second offense - minimum \$150.00 fine; third offense - minimum \$250.00 fine. Water rate penalty of \$5.00 for water use in excess of 10,000 gallons per account and rate per 1,000 gallons will be increased ten percent (10%) on all accounts.

Termination of Stage 23 – Stage 23 of this Plan may be rescinded when the elevation of Lake Waxahachie is at a minimum of 527' for at least 3 consecutive days. Upon termination of Stage 23, Stage 12 becomes effective.

(d) **STAGE 34 – Severe Water Shortage Conditions**

Requirements for initiation - When Lake Waxahachie elevation drops to 520' msl. This is 11.5-feet below spillway elevation and the lake is operating at less than 45 percent capacity: Strengthen mandatory water restrictions to specified days: Saturday only from 4:00 a.m. to 10:00 a.m.; provided however, that the City Manager, after notice in the newspaper, radio, city website and any other methods deemed appropriate, may add an additional day and hours, being Wednesday 4:00 a.m. to 10:00 a.m. Above prohibitions shall apply as in Stage 1 and Stage 2. ALL COMMERCIAL AND INDUSTRIAL ACCOUNTS MUST SUBMIT A DETAILED WATER CONSERVATION PLAN TO THE CITY FOR CONSIDERATION AND APPROVAL Violators subject to fines as in Stage 2. Raise water rates penalty to \$25.00 for water in excess of 10,000 gallons per account and continue previous rate per 1,000 gallons as in Stage 2.

Termination of Stage 34 – Stage 34 may be rescinded when the elevation of Lake Waxahachie is at a minimum of 524' for at least 34 consecutive days. Upon termination of Stage 34, Stage 23 becomes effective.

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(e) **STAGE 45 – Critical Water Shortage Conditions**

Requirements for initiation - When Lake Waxahachie elevation drops to 517.5' msl. This is 14-feet below spillway elevation and the lake is operating at less than 25 percent capacity: Strengthen mandatory water restrictions, including no watering of residential and commercial lawns and landscapes. All violators subject to fines. First offense - minimum \$250.00 fine; second offense - minimum \$350.00 fine; third offense - minimum \$500.00 fine. Mandatory reduction of water usage by commercial users per their approved water conservation plan. Raise penalty to \$100.00 for use of water in excess of 10,000 gallons per all account and increase rates on cost per 1,000 gallons by an additional ten- percent (10%).

Termination of Stage 45 – Stage 45 may be rescinded when the elevation of Lake Waxahachie is at a minimum of 520 for at least 3 consecutive days. Upon termination of Stage 45, Stage 34 becomes effective.

NOTE: All provisions of each stage are carried over to the next higher numbered stages, unless amended by the higher numbered stage provisions.

STAGE 56 - Emergency Water Outage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 56 of this Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Customers shall discontinue all non-essential and landscape irrigation water use until the evaluation of the impact and expected duration of the Emergency Water Outage is completed. Upon determination, the City Manager, or his/her designee, will notify customers by local radio, newspaper and any other methods deemed appropriate, of the water use restrictions and the duration of such restrictions.

Requirements for termination – Stage 56 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 24 hours.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation and on the City of Waxahachie website:

Stage 01 – Normal Water Conditions

Goal: Monitor weather conditions. No reduction goal set for this stage.

Stage 12 - Mild Water Shortage Conditions

Goal: Achieve a 2 percent reduction in total gallons per capita per day (GPCD).

City of Waxahachie Management Measures:

All operations of the City of Waxahachie shall adhere to voluntary water use restrictions prescribed for in Stage 1 of the Plan.

Stage 23 - Moderate Water Shortage Conditions

Goal: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).

City of Waxahachie Management Measures:

- (a) All operations of the City of Waxahachie shall adhere to the mandatory watering schedule as defined in Stage 2 of this Plan.
- (b) All known water leaks will become priority to be repaired as soon as possible.
- (c) Fire hydrant flushing activities will be minimized.
- (d) Publish water conservation information in local newspapers, city website, social media, and radio station.

Water Use Restrictions: All requirements of Stage 2 shall be in effect.

(20)

Stage 34 - Severe Water Shortage Conditions

Goal: Achieve a 10 percent reduction in total gallons per capita per day (GPCD).

City of Waxahachie Management Measures:

reduced irrigation of public landscaped areas.

Water Use Restrictions . All requirements of Stage 2 shall remain in effect during Stage 3.

Stage 45 - Critical Water Shortage Conditions

Goal: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).

City of Waxahachie Management Measures:

Discontinue irrigation of public landscaped areas

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4.

Stage 56 - Emergency Water Shortage Conditions

Goal: Achieve a 30 percent reduction in total gallons per capita per day (GPCD).

City of Waxahachie Management Measures:

All non-essential as well as landscape irrigation water use to be prohibited until further directed by the City Manager or his/her designee.

Water Use Restrictions:

All non-essential as well as landscape irrigation water use to be prohibited until further directed by the City Manager or his/her designee.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Waxahachie for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a minimum fine as shown in this Ordinance for the provision violated and not more than two thousand dollars (\$2,000). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at the current rate for re-connect fees and any other costs incurred by the City of Waxahachie in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Waxahachie, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any City of Waxahachie Police Officer or Code Enforcement Officer may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the City of Waxahachie Municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in

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municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the City of Waxahachie Municipal Court before all other cases.

Section XI: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Waxahachie within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of Waxahachie shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Wholesale Water Contracts

Every wholesale water contract, (treated and untreated water) entered into or renewed after the adoption of this Plan, including any contract extensions, will contain language notifying parties to the contract, that in a case of shortage of water resulting from a drought, the water to be distributed shall be divided in accordance with Texas Water Code Section 11.039. In the event that the triggering criteria specified in Section VIII of the Plan for Stage 3 Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039.

Section XIII: Severability

It is hereby declared to be the intention of the City of Waxahachie that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Waxahachie without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

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ORDINANCE NO. XXXX-

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING AND RESTATING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND AMENDING ORDINANCE NO. 31062740; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE:

WHEREAS, the City of Waxahachie, Texas, recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.~~1272272~~ of the Texas Water Code and Title 30, chapter 288 ~~applicable rules of~~ the Texas Administration Code Commission on Environmental Quality require all public water supply systems ~~in Texas~~ providing service to 3,300 or more connections to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Waxahachie, Texas, the City of Waxahachie deems its expedient and necessary to establish and amend certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

WHEREAS, The City's existing Drought Plan was enacted by Ordinance No. 3106 2740, and current law require or recommend amendments to the Plan and a periodic review of the plan; and city staff has studied the situation and recommended amendments as set out in the restated plan attached hereto as Exhibit "A";

WHEREAS, the city council has reviewed the recommended amendments and finds that the amendments will meet the requirements of law and serve the public's interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WAXAHACHIE, TEXAS:

SECTION 1. That the City of Waxahachie, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made a part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2. That all ordinances or portions thereof that are in conflict with the provisions of this ordinance, ~~specifically including Ordinance No. 2740~~, be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

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SECTION 3. Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 201920.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: October 2, 2020

Re: Graham Street Corridor Rehabilitation Engineering and Right of Way Services

On Monday October 5, 2020 an item authorizing professional services with Teague Nall and Perkins, Inc. for engineering and right of way services associated with rehabilitation of Graham Street will appear before City Council for consideration in the amount of \$541,135. Graham Street project is part of the corridor rehabilitation capital improvement program.

Graham Street from M.L.K. Blvd. to Peters Street is currently an asphalt road with no curbs. The scope of work for this item will include engineering for replacement of the asphalt road with a 30 feet wide concrete street with curb and storm drain system, replacement of the water and sewer lines, addition of sidewalks and street lights. Additional right of way will be needed to provide for the wider road width and other improvements. The scope of services for this item will also include identifying the right of way needed for the project, preparing documents for each right of way parcel, and appraisal and negotiation services. The number of parcels required for this project will be determined as part of the design process. The contract allows for preparing and negotiating of up to 24 parcels. If fewer parcels or less negotiation is required, the cost will be reduced.

Funding for the engineering phase of this project is a planned expense with \$503,280 budgeted as part of the FY2019-2020 capital improvement plan. The additional funding for the full authorized amount of this project, should it be needed, is available from prior year capital improvement funding. Funding for construction is planned as part of the FY 21-22 budget.

I am available at your convenience should you need additional information.

Tommy Ludwig

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Memorandum

To: Honorable Mayor and City Council
From: Lori Cartwright, City Secretary
Thru: Michael Scott, City Manager
Date: October 5, 2020
Re: Appointments to Boards and Commissions

Please consider the following appointments to various Boards and Commissions:

AIRPORT BOARD (3 year term)

Nanette Paghi

BUILDING STANDARDS COMMISSION (2 year term)

Joshua Atilano
Lawrence Kollie

CEMETERY BOARD (2 year term)

Chad Hicks
Peggy Crabtree

ELECTRICAL ADVISORY BOARD (2 year term)

Gary Estes
Harold DeBorde

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO.1
(2 year term)**

Wayne Eiland
Brian Ford

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HERITAGE PRESERVATION (2 year term)

Becky Kauffman
Curtiss Thompson
Jeff Smith

KEEP WAXAHACHIE BEAUTIFUL (3 year term)

Scott Poarch
Jim Kauffman
Christy Waters

PARK BOARD (3 year term)

Ginger Cole
Dr. William Major

PLANNING AND ZONING COMMISSION (2 year term)

Bonney Ramsey
Jim Phillips
Erik Test

SENIOR CENTER ADVISORY COMMITTEE (2 year term)

Theresa Taylor
Peggy Loftis
Heather Fuller

TAX INCREMENT REINVESTMENT ZONE (2 year term)

Ron Ansell
Coy Sevier
Brad Yates

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)

Daniel Morton
Bob Lynn

WAXAHACHIE HOUSING AUTHORITY (2 year term)

Wendy Cunningham
Johnny Rodriguez
Don Nelson
Jane Vineyard

**WAXAHACHIE INDUSTRIAL DEVELOPMENT AUTHORITY
(2 year term)**

Ginger Cole
Michael Hirtzel

ZONING BOARD OF ADJUSTMENTS (2 year term)

Brad Yates
Marion Reynolds
Diane Collard